

I think I see a brighter day. On this historic spot let us rejoice that peoples and governments everywhere are declaring and preparing for peace instead of war. As evidence of this development I have only to remind you that the League of Nations is now functioning and the World Court is now sitting at Geneva, and the covenants of the Kellogg peace pact are now the universal law of mankind.

As another step in this development, as another chapter in the program of peace, and with approval and thanksgiving, I commend the MacDonald-Hoover understanding for the immediate reduction of naval armaments.

At this point permit me to digress in order to call attention to messages this day sent to the peoples of the earth by the responsible leaders of the Governments of the United States, of France, and of Great Britain.

Herbert Hoover, President of the United States, says:

"To-day, as never before in peace, new life-destroying instrumentalities and new systems of warfare are being added to those that even so recently spread death and desolation over the whole Continent of Europe. Despite those lessons every government continues to increase and perfect its armament, and while this progress is being made in the development of the science of warfare, the serious question arises, Are we making equal progress in devising ways and means to avoid those fruitful fruits of men's failures that have blotted with blood so many chapters of the world's history?"

Aristide Briand, speaking for France, says:

"Peace is proclaimed. That is well; that is much. But it still remains necessary to organize it. In the solution of difficulties right and not might must prevail. That is to be the work of to-morrow."

J. Ramsay MacDonald, speaking for Great Britain, says:

"The next war, of which people are already talking so lightly, and for which governments are so blindly preparing, will leave civilization a smoking ruin and a putrefying charnel house. No man, woman, or child will be immune. Destruction will rise from the sea and fall from the air, and people will drop mysteriously where they stand, touched by the invisible breath of poison. 'There must be no next war.' By using the League of Nations, by entering a bond of mutual security, by disarmament and arbitration, labor can herald the endless reign of peace."

In former times some fortunate or unfortunate man assumed to be the state. At a later date a group or groups assumed to speak for the state. To-day a man or group, a king or crown, if not in step with the advancing thought of mankind, is cast aside, for public opinion is assuming the dictatorship of the world.

While we have and do condemn war, while we have pledged our governments and our peoples not to resort to war except in our own defense, yet national and individual security demand that we ever be prepared to defend our borders and to protect our peoples against all aggression. To-day such a degree of preparedness is not only justified but absolutely necessary. To-morrow, however, we sincerely hope that crystallized public sentiment will make war impossible and even unthinkable.

While we are preparing for peace, while we entertain an abundant hope for permanent peace, and while public sentiment is being crystallized against war, we must not forget 6,000 years of human history, we must not misinterpret the forces which control the destinies of peoples and of nations, and we must not discount too liberally the frailties and weaknesses of mankind. For our national policy let us promote the program of peace, and for our national security let us maintain a reasonable degree of preparedness.

Without hesitation or reservation I hold that our best national insurance against injury or damage or war is for our people and our Government to accord proper recognition to and take proper care of those who have fought our countries' battles. The position of the fallen is secure. They are beyond human aid. Although dead, they will live in our hearts forever.

But what about the living? Too many of them have already been forgotten. The flower of our youth, by war converted into human wrecks, are with us still. The needy, the maimed, the disabled, the sick, and the helpless have no arm upon which to lean save the Government which called them to the colors. Those responsible for our policies have decreed that no expense shall be spared in caring for the soldiers of the Republic. Money has been appropriated. Homes and hospitals have been constructed. Much has been accomplished, but our task has not been completed. Profitable employment should be graciously tendered and not grudgingly given to the able. Agencies should seek the sick and helpless rather than force them to prove their case and beg for help. The dependents of our defenders should not be overlooked. The damage done should be repaired. The losses sustained should be met. The suffering caused should be allayed.

To you veterans of Great Britain and our allied nations the governments for which you fought should, by both policy and administration, so care for you and your dependents as to afford you constant satisfaction that you were called to the colors.

To you veterans of America, with the American policy of national insurance properly administered, with the American policy of prepared-

ness established and maintained, and with the American policy for the promotion of peace ever uppermost, the American Government founded here will live to bless mankind forever.

RECESS

Mr. SMOOT. In accordance with the unanimous-consent agreement heretofore entered into, I move that the Senate take a recess until 10 o'clock Monday morning.

The motion was agreed to; and the Senate (at 1 o'clock and 10 minutes p. m.), under the order previously entered, took a recess until Monday, October 21, 1929, at 10 o'clock a. m.

SENATE

Monday, October 21, 1929

(Legislative day of Monday, September 30, 1929)

The Senate met at 10 o'clock a. m., on the expiration of the recess.

THE JOURNAL

Mr. JONES. Mr. President, I ask unanimous consent that the Journal for the calendar days of Thursday, October 17, Friday, October 18, and Saturday, October 19, may be approved.

The VICE PRESIDENT. Without objection, it is so ordered.

CALL OF THE ROLL

Mr. FESS. Mr. President, I suggest the absence of a quorum. The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Frazier	King	Sheppard
Barkley	George	La Follette	Shortridge
Bingham	Gillett	McKellar	Simmons
Black	Glenn	McMaster	Smoot
Blease	Goldsborough	McNary	Stelwer
Borah	Greene	Metcalf	Stephens
Bratton	Hale	Moses	Swanson
Brock	Harris	Norbeck	Thomas, Idaho
Brookhart	Harrison	Norris	Thomas, Okla.
Broussard	Hawes	Nye	Townsend
Capper	Hayden	Oddie	Trammell
Connally	Hebert	Overman	Tydings
Couzens	Hefflin	Patterson	Vandenberg
Cutting	Howell	Phipps	Walcott
Dale	Johnson	Pine	Walsh, Mass.
Dill	Jones	Pittman	Warren
Edge	Kean	Reed	Waterman
Fess	Kendrick	Robinson, Ark.	Watson
Fletcher	Keyes	Sackett	

Mr. FESS. The junior Senator from Ohio [Mr. BURTON] is still detained from the Senate by illness. I ask that this statement may be allowed to stand for the day.

Mr. NORRIS. I wish to announce that the Senator from Wisconsin [Mr. BLAINE], the Senator from Arkansas [Mr. CARAWAY], the Senator from Montana [Mr. WALSH], and the Senator from Indiana [Mr. ROBINSON] are engaged on business of the Senate at the lobby hearings.

The VICE PRESIDENT. Seventy-five Senators have answered to their names. A quorum is present.

THOMAS A. EDISON'S ANNIVERSARY

Mr. VANDENBERG. Mr. President, despite the pressure of pending legislation I am sure the Senate of the United States will be glad to turn aside this morning for a brief moment to join in the acknowledgments which all America—yea, an international world—are pouring out to-day at the feet of our inimitable patriarch, Thomas A. Edison, whose priceless genius has touched all humanity and made life easier and sweeter for uncounted hundreds of millions now living and yet to come.

This is the fiftieth anniversary of Mr. Edison's supreme invention, the incandescent light. It is not too much to say that it is the golden jubilee for the man whose torch is literally the light of the world.

So great are the implications of this anniversary, so universal its benediction, so boundless the affections which it personifies, that the President of the United States has left his Capital and journeyed to Detroit and Dearborn, Mich., where the vision of Henry Ford faithfully has reproduced the humble laboratory in which this greatest of all magicians made electricity the dominant servant of humankind 50 years ago to-day. The President thus reflects the attitudes of all our people as he pays emphatic tribute to Mr. Edison in person amid this historic environment. His intrepid imagination invaded undiscovered worlds and bade them yield their secrets to the common weal.

But this day's beatitudes are not confined to Michigan, which knew Edison intimately in his younger years. Nor are they confined to New Jersey, blessed by his maturity. They are

confined neither to one country, one continent, nor to one hemisphere. They speak in universal language understood all around the globe.

Edison's inventions literally have broadened all the horizons of human life. The incandescent bulb is only one. There is scarcely a field in human existence which has not been enriched by some endowment from this rare brain. To particularize the inventory is needless because all human experience, in the work and in the play of this modern age, is a mirror to his conquests. He has done more for civilization than any other living American. Yet, in perfect simplicity, he treads his sunset years.

Every day is Edison's day upon the calendars of progress. But this day is our day—our special day—to make small payment on account of the incalculable debt we owe our benefactor.

It occurs to me that the Senate will be glad to join, at least in spirit, with the President of the United States in the pilgrimage to this day's shrine. Therefore I offer the following resolution and ask for its immediate consideration.

The VICE PRESIDENT. The resolution will be read.

The Chief Clerk read the resolution (S. 138), as follows:

Whereas the President of the United States this day has journeyed to Detroit and Dearborn, Mich., to speak for his countrymen at the ceremonies which celebrate the fiftieth anniversary of the invention of the incandescent electric light; and

Whereas this celebration takes on the larger aspect of a national expression of the Nation's obligation to Thomas A. Edison, whose conquests in the realm of science have enriched all human life and human experience to a degree unapproached by any other living American: Therefore be it

Resolved, That the Senate joins in the expressions of gratitude and felicitation which to-day officially acknowledges civilization's debt to the genius and the vision and the incalculable service of this beloved patriarch whose brilliant achievements are a benediction upon the human race.

Resolved, That the Secretary transmit a copy of this resolution to Mr. Edison.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. EDGE. Mr. President, I can not permit this opportunity to pass without a very brief word. New Jersey joins with Michigan in full appreciation of the wonderful achievements of Mr. Edison. While perhaps they can in no way be credited to any particular section of the country, nevertheless it is with great pride that New Jersey draws attention to the fact that practically all of Mr. Edison's active life and his investigations and laboratory work, resulting in the epoch-making contributions which he has made through his untiring energy to the welfare and comfort of the entire world, was spent in New Jersey. The citizens of New Jersey have just concluded, before Mr. Edison's departure for Michigan, practically a week's celebration, in order that history might record the appreciation of his fellow citizens of the State of New Jersey. His contributions to the world, which in a practical sense have no doubt eclipsed those of any other genius, during this generation at least, will last, while many other accomplishments of many other men of ability, force, and determination will be effaced from memory. I am glad to join with my friend from Michigan in this brief tribute to Mr. Thomas A. Edison.

Mr. ROBINSON of Arkansas. Mr. President, during the last half century our country has produced many men of notable ability and of great genius. Outstanding and preeminent among them all is Mr. Thomas A. Edison. It seems appropriate that the Senate should take note of this anniversary of one of his most amazing achievements.

Mr. KEAN. Mr. President, I remember very well, as a boy, a little barn at Menlo Park, in New Jersey, alongside the Pennsylvania Railroad, where Thomas A. Edison invented not only the electric light but also made other great contributions to the advancement, happiness, and comfort of his fellow men. That barn has now been destroyed, but in its place is a boulder with a tablet on it commemorating this inventor. It seems to me that Mr. Thomas A. Edison in the invention of the electric light has given light to the world which, as one might say without irreverence, in a small way might be compared to another kind of light which was given to the world from the cradle at Bethlehem where our Lord was born.

This was the beginning of our present-day incandescent lamp. Untold benefits have been derived from this remarkable invention of Mr. Edison. Our civilized world would not have advanced so far as it has at present without Mr. Edison's contribution. His remarkable ability is not only exemplified in this lamp but also in his many inventions, such as improved telegraph instruments, phonograph, dictaphone, telephone transmitter, and several types of incandescent lamps, and also the

Edison radio. Truly Mr. Edison is a remarkable man; his great ability as an inventor is testified to by the fact that President Hoover has journeyed to Dearborn, Mich., to take part in the celebration at that place in his honor. There will be witnessed there to-day the actual steps taken by Mr. Edison in his small workshop at Menlo Park when he made his wonderful discovery.

I am proud that Mr. Edison produced this incandescent lamp in New Jersey. I know that New Jersey is glad to join with Michigan in the celebration, and I feel sure that the Senate of the United States, fully appreciating the significance of this great occasion, will unanimously adopt the resolution which has been submitted by the Senator from Michigan.

Mr. FESS. Mr. President, Ohio desires to join with Michigan and New Jersey in paying honor to Thomas A. Edison, in view of the fact that Ohio was the State in which he was born and in which he spent the most of his early life. In a little town on Lake Erie stands a small house, in which the birth of this great wizard of electricity took place, and the people of that State, as well as of the Nation, desire to preserve that little structure as a shrine in honor of one of the foremost geniuses the world has ever known.

Mr. HEFLIN. Mr. President, I do not desire to delay action upon the resolution offered by the Senator from Michigan [Mr. VANDENBERG]. I am heartily in favor of it, and I congratulate him upon the magnificent tribute that he has paid to Mr. Edison.

The VICE PRESIDENT. The question is on agreeing to the resolution submitted by the Senator from Michigan [Mr. VANDENBERG].

The resolution was unanimously agreed to.

The preamble was agreed to.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CUTTING:

A bill (S. 1907) to amend the World War veterans' act, 1924, as amended; to the Committee on Finance.

By Mr. MOSES:

A bill (S. 1908) granting an increase of pension to Mary E. Messer (with accompanying papers); to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 1909) to extend the time for the construction of the bridge across the Rio Grande at or near Weslaco, Tex.; to the Committee on Commerce.

By Mr. CAPPER:

A bill (S. 1910) granting a pension to Lottie Harvey (with accompanying papers); and

A bill (S. 1911) granting a pension to Mary C. Hudelson (with accompanying papers); to the Committee on Pensions.

AMENDMENTS TO THE TARIFF BILL

Mr. GOLDSBOROUGH submitted six amendments intended to be proposed by him to House bill 2667, the tariff revision bill, which were ordered to lie on the table and to be printed.

EXECUTIVE MESSAGES

Sundry messages in writing were communicated to the Senate from the President of the United States by Mr. Latta, one of his secretaries.

ANNIVERSARY OF DEATH OF COUNT PULASKI

Mr. WALSH of Massachusetts. Mr. President, October 11 last the one hundred and fiftieth anniversary of the death of Count Casimir Pulaski was appropriately commemorated throughout the country. It seems proper that the record of the proceedings of the Congress should contain some reference to this anniversary. Therefore I ask that a brief sketch of the life of this brave son of Poland, particularly portraying the character and extent of his powerful and effectual contribution to American independence, may be printed in the CONGRESSIONAL RECORD.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

The one hundred and fiftieth anniversary (October 11) of the death of Count Casimir Pulaski was appropriately commemorated at sundry places in this country. Count Pulaski, a Pole, was born in 1749. With his distinguished father he participated in the Confederation of Bar (1768-1772), formed in patriotic protest against certain outrageous developments in the Polish Kingdom enforced by Russian troops. The confederation failed utterly of its purposes, and, indeed, preluded the first partition of Poland, but as commander in chief of its forces the younger Pulaski achieved a considerable reputation for gallantry.

An exile in Paris, he met Benjamin Franklin, who gave him a letter of recommendation to Washington as "an officer famous throughout Europe for his bravery." At the Battle of Brandywine he so well justified the recommendation that Washington asked Congress to appoint him to the command of the Continental cavalry, with the rank of brigadier

general, which was done. Pulaski supplied the adequate organization previously lacking to our mounted forces, a sufficient title to fame. Moreover, he contributed liberally to the work from his personal funds. He fought with distinction at Germantown and later in the southern theater of war, especially in the successful defense of Charleston, May, 1779, but he was mortally wounded on October 9, that year, in the unsuccessful attack on Savannah. Placed on the brig *Wasp*, he died on that vessel two days later. The service rendered by Poland through her distinguished son toward the creation of our Republic has been repaid by our important participation in the reconstitution of the Polish State.

INVESTIGATION RELATIVE TO PRICES FOR COTTONSEED

Mr. HEFLIN. Mr. President, on Saturday last I submitted a resolution requesting the Federal Trade Commission to investigate a combination of certain cottonseed crushers and cottonseed-oil mills to fix the price of cottonseed to the injury of our cotton producers and in violation of the antitrust law. I have a letter on the subject which I received this morning from Mr. J. E. Pittman, a farmer of my State. I ask that the clerk read his letter. It contains some very valuable information, and then I am going to ask the Senate to take action on the resolution. It is necessary that the Federal Trade Commission be authorized as soon as possible to make this investigation.

The VICE PRESIDENT. Without objection, the clerk will read, as requested.

The Chief Clerk read as follows:

ENTERPRISE, ALA., October 18, 1929.

Senator J. THOMAS HEFLIN,

Washington, D. C.

DEAR SENATOR: I have given some thought to the methods and policies used by some of the big interests and especially those that so vitally affect agriculture.

As you know during last summer, or to be accurate July 8, a most powerful organization was begun at New Orleans and perfected July 22 at Memphis. This organization is known as the National Cottonseed Products Association. The entire proceedings of the two meetings were published in the Cotton Oil Press, August issue, a magazine published by the organization for its members only. I am sending you copy by registered mail. I hope you will read this magazine. It is possible for this organization to employ methods of coordination and restraint of trade which is demoralizing and destructive to the producers of peanuts and cottonseed. Runner peanuts now are selling for \$45 per ton and cottonseed brings around \$30 per ton. There seems to be no competitive market for these products, but instead the market seems to be fixed.

I know you are busy on the tariff and other things, but the coordination and restraint of trade is taking more out of the hands of the southern farmer than any tariff measure can replace.

Please look into this big question. I call it big because it has wrought destruction to the cotton and peanut farmer. It seems to me that this is a matter that should be brought to the attention of the Trade Commission.

Yours respectfully,

J. E. PITTMAN.

Mr. HEFLIN. Mr. President, the junior Senator from Georgia [Mr. GEORGE], who is not in the Senate at this moment, is heartily in favor of my resolution, and he has already brought to the attention of the Senate a communication from the commissioners of agriculture in the cotton-growing States agreeing with the suggestion that there is a cottonseed-buying combination in restraint of trade and in flagrant violation of the antitrust law. My resolution calls upon the Trade Commission to make an investigation of this matter immediately and report to the Senate its findings.

Mr. FESS. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Ohio?

Mr. HEFLIN. I yield to the Senator.

Mr. FESS. I understood that a similar resolution had passed the House and that an investigation had been made. Is that true?

Mr. HEFLIN. No; not recently.

Mr. FESS. I understood that a Member from Alabama introduced such a resolution in the House, and an investigation had been carried on.

Mr. HEFLIN. If so, it was a good while ago.

Mr. BLACK. Mr. President—

The VICE PRESIDENT. Does the Senator from Alabama yield to his colleague?

Mr. HEFLIN. I yield to my colleague.

Mr. BLACK. An investigation was made on a resolution presented by Mr. McDUFFIE, from Alabama. Since that investigation was held I have had the matter up with the Federal Trade Commission a number of times, and I have a copy of their findings in so far as that hearing was concerned; but, as I under-

stand the present resolution, it cites new and additional facts as reasons.

I may state, in addition to that, that I have had numerous complaints during the past year, starting immediately after the other hearing, and certain matters have been published in the press with reference to this association which in my judgment make it very essential that there be a further investigation.

I may state right here, in answer to the Senator from Ohio, that I have presented to the Department of Justice a number of complaints with reference to this combination, with a request for an investigation there. This resolution would not bring about a duplication of exactly the same efforts that were put forth in the other hearing, but it would enable the Trade Commission to bring the matter up to date. The other hearing then, so far from being a reason against a further investigation, would be an argument for it, and the facts then established would expedite the new investigation.

Mr. HEFLIN. Mr. President, my colleague is right in his statement and let me say to the Senator from Ohio, in line with what my colleague has suggested, that this letter from Mr. Pittman, of Enterprise, Ala., shows that this cottonseed organization, which is accused now of depressing and controlling the price of cottonseed, has been perfected recently, many months since the House passed a resolution on this subject. Let me read a portion of it:

As you know, during last summer, or to be accurate July 8, a most powerful organization was begun at New Orleans and perfected July 22 at Memphis.

He says:

This organization is known as the National Cottonseed Products Association. The entire proceedings of the two meetings were published in the Cotton Oil Press, August issue, a magazine published by the organization for its members only.

The Senator from Ohio will observe that this is a new and a desperate situation that has arisen recently and must be looked into and stopped as soon as possible. The cotton-selling season and seed-selling season are both here now.

Mr. FESS. Mr. President, if the Senator from Alabama will permit me, I was told by a well-informed citizen that there had been an investigation. I have not had any chance to go into it, and for that reason I raised the question. We do not want to duplicate investigations. If this will not be a duplication, I shall not have any objection.

Mr. HEFLIN. I understand the Senator's position. Certainly some of the matters here complained of did not exist in 1927, when the House ordered an investigation. So I ask for the immediate consideration of the resolution.

The VICE PRESIDENT. Is there objection?

Mr. SMOOT. Mr. President, I am not going to object to the consideration of this resolution, but I hope Senators will not bring in any further resolutions. Let us get through with the tariff bill.

There being no objection, the Senate proceeded to consider the resolution, which was read as follows:

Whereas it is alleged that certain cottonseed crushers and oil mills have entered into a combination for the purpose of fixing prices on cottonseed in violation of the antitrust laws; and

Whereas it is alleged that cottonseed prices have been arbitrarily forced down by the cottonseed crushers and oil mills to a lower level than has ever existed at this season of the year; and

Whereas it is alleged that as a result of such combination cottonseed buyers are not permitted to pay more than a certain price for cottonseed under threat of boycott: Therefore be it

Resolved, That the Federal Trade Commission is hereby requested to make an immediate and thorough investigation of all facts relating to the alleged combination in violation of the antitrust laws with respect to prices for cottonseed by corporations operating cottonseed-oil mills. The commission shall report to the Senate as soon as practicable the results of its investigation.

Mr. SIMMONS. Mr. President, before the resolution is agreed to, may I have the attention of the senior Senator from Alabama? I observe in his resolution the following:

Whereas it is alleged that as a result of such combination cottonseed buyers are not permitted to pay more than a certain price for cottonseed under threat of boycott.

Is it not also rumored that they are not permitted to sell the meal produced by the crushing of these seed except at a certain price?

Mr. HEFLIN. I think that is true.

Mr. SIMMONS. Would the Senator object to putting that in, too, and letting this investigation cover both ends of this controversy—not only the buying end but the selling end?

Mr. HEFLIN. I think it should be included. Here is a letter that deals with that phase of the subject also:

ALBANY, ALA., October 14, 1929.

Senator THOMAS HEFLIN,
Washington, D. C.

DEAR SENATOR: I have every reason to believe that the cottonseed-oil mills of the South are forcing the price of seed down by an unfair method. It seems to be the opinion of merchants, ginners, as well as seed buyers that there is something very wrong with seed prices this season. One ginner and seed buyer tells me he is not allowed to pay but \$29 per ton for seed because if he did he would be reported and every seed crusher in the South would boycott his seed. He says seed is too cheap but no one can bid on them, everyone must pay the same. From what I can gather there is a well-organized group that absolutely controls the seed buyers. Is there any way to start an investigation?

Cottonseed meal retails here at \$50 per ton. They tell me cottonseed oil is selling for as much as it did last season when seed sold at \$35 to \$40 per ton. Competitive marketing of cottonseed seems to be forbidden by some group who is in control.

Senator, you have long been a champion of the southern farmer, we believe in you, but we need you worse to-day than anytime in the history of the South. Here's hoping that you may be able to get some dope on these parasites that will teach them a lesson.

Very respectfully,

L. H. JOHNSON.

Mr. SIMMONS. The farmer sells them the cottonseed, and then buys the cottonseed meal.

Mr. HEFLIN. Sure. What does the Senator suggest—the inclusion of the words "and cottonseed meal"?

Mr. SIMMONS. Yes; and the price of cottonseed meal.

Mr. HEFLIN. I accept that amendment.

The VICE PRESIDENT. Does the Senator desire to perfect his resolution in accordance with the suggestion of the Senator from North Carolina?

Mr. HEFLIN. I do.

The VICE PRESIDENT. What words are to be added, please?

Mr. HEFLIN. The necessary words to include cottonseed meal.

The VICE PRESIDENT. Without objection, the resolution will be modified as requested by the Senator from Alabama. The question is on agreeing to the resolution, as modified.

The resolution, as modified, was agreed to, as follows:

Whereas it is alleged that certain cottonseed crushers and oil mills have entered into a combination for the purpose of fixing prices on cottonseed, in violation of the antitrust law; and

Whereas it is alleged that cottonseed prices have been arbitrarily forced down by the cottonseed crushers and oil mills to a lower level than has ever existed at this season of the year; and

Whereas it is alleged that as a result of such combination cottonseed buyers are not permitted to pay more than a certain price for cottonseed and sell cottonseed meal at less than a certain price under threat of boycott: Therefore be it

Resolved, That the Federal Trade Commission is hereby requested to make an immediate and thorough investigation of all facts relating to the alleged combination in violation of the antitrust laws with respect to prices for cottonseed and cottonseed meal by corporations operating cottonseed-oil mills. The commission shall report to the Senate as soon as practicable the results of its investigation.

The preamble was agreed to.

CANALIZATION OF OHIO RIVER

Mr. BARKLEY. Mr. President, to-morrow in the city of Cincinnati there is to be dedicated a marker commemorating the completion of the canalization of the Ohio River from the city of Pittsburgh, Pa., to the city of Cairo, Ill. In that dedication the President is to deliver the chief address; and later in the week, on Wednesday, he is to participate in a similar celebration in the city of Louisville as a part of the program dedicating the Ohio River to the commerce of the Nation. A flotilla of river steamers is now on its way from Pittsburgh to Cairo as a part of this program of celebration.

The Ohio River as a navigable stream and as an avenue of commerce in all probability is the most important natural waterway in the United States. The Monongahela and Allegheny join at Pittsburgh to form the Ohio; and thence it runs through Pennsylvania, touches Ohio, West Virginia, Illinois, Indiana, and Kentucky. There are some 18 tributaries that are likewise navigable that run into the Ohio River between Pittsburgh and Cairo.

The Ohio has on its banks the prosperous cities of Steubenville and Cincinnati, Ohio; Wheeling, W. Va.; Ashland and Louisville, Ky.; New Albany and Jeffersonville, Ind.; Paducah, Ky.; and the city of Cairo at its mouth, in addition to other

smaller cities en route. It is, I think, a propitious occasion, especially for us in the Ohio Valley and in the entire Middle West, as well as the whole country, to be able to celebrate the completion of this waterway.

The improvement of the Ohio River, strange to say, was begun by the State of Kentucky in the year 1825. Kentucky being the first State carved out of the wilderness west of the Alleghenies, in the delineation of her boundaries the Ohio River was included in its entirety within the State of Kentucky along the entire length of its northern border to low-water mark on the northern side. In 1879 the first lock and dam was provided for by a Federal appropriation. It provided then for a depth of only 6 feet. In 1910, after spasmodic efforts on the part of Congress to provide for the improvement of the river, it was adopted as a national project to provide for a navigable depth of 9 feet during the entire year from Pittsburgh to Cairo by the building of 54 locks and dams.

We are now celebrating the completion of this great work of canalization, which has involved an expenditure of some \$120,000,000; but as an evidence of the value of this great river to the commerce of our country I desire to point out that in 1917, 13 years ago, only 4,600,000 tons of freight were carried on the bosom of that stream. In 1927 the amount of freight had been increased to more than 20,000,000 tons. During the same period of time the amount of freight carried on the Ohio and her tributaries increased from 27,000,000 to more than 56,000,000 tons, valued at more than \$750,000,000.

Mr. President, the day of new railroad construction is over. No longer do the Hills and men of great vision like Hill go out into the wilderness and construct railroads, because there is no longer any wilderness country; and the activities of the railroads hereafter must be limited to double tracking and improving the facilities that already exist. But our waterways, which are the most ancient method of transportation, are still available, and the rivers and railroads will undoubtedly cooperate more in the future than in the past. We who live in the Ohio Valley, and those who live on the tributaries of the great Ohio River, rejoice to-day that this great work of canalization carried on by the engineers of our Government has come to completion; and we are glad that the President of the United States regards it as of sufficient importance to make a journey-out into that mid-western country to participate in this celebration.

Having myself for 14 years in the House of Representatives and during my two years here labored with other Members of the House and Senate in the great Ohio Valley to bring about the completion of this river improvement project, I regret very much that my duties as a Member of the Senate make it impossible for me to attend this celebration. I should like to journey all the way from Pittsburgh to Cairo. I should like to be in Cincinnati to-morrow and in Louisville the day after; but this being impossible, I did not want this occasion to go by without expressing my gratitude not only at the completion of this great river but my gratitude that the President is joining with that great valley of prosperous, happy Americans in celebrating this great event.

Mr. FESS. Mr. President, the former Vice President appointed a commission of the Senate to represent the Senate on the occasion mentioned by the Senator from Kentucky [Mr. BARKLEY]. That commission is composed of the senior Senator from Ohio, the Senator from Pennsylvania [Mr. REED], and the senior Senator from Louisiana [Mr. RANSDELL].

The duties of the Senate just now are such that only one of the Senators on the commission could find the way open to attend. The Senate will be eminently represented on this occasion by the Senator from Louisiana, who for many, many years has stood in the forefront of river transportation.

I also regret and wish the people of the country to know the exigencies of legislation here that prevent two of the members of the commission from attending.

I desire to insert in the RECORD an editorial from the New York Herald Tribune on the subject of the canalization of the Ohio River.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

[From the New York Herald Tribune of Sunday, October 20, 1929]

COMMERCE AND THE OHIO

Distinguished by the presence of 5 Cabinet officers, 1 governor, and no fewer than 6 railway presidents, the formal celebration of the completion of the Ohio River improvement project has begun at Pittsburgh. President Hoover will leave Washington to-day to participate in ceremonies which will signalize not only a considerable benefit to the Ohio Valley but an important step toward that great vision of planned and productive public improvements which illuminated his campaign for the Presidency. The project has provided in all 50 locks and low-lift dams, scattered along nearly 1,000 miles of river from Enns-

worth, 6 miles below Pittsburgh, to Mound City, just above Cairo, Ill. For the first time it supplies a 9-foot channel at all seasons of the year from Pittsburgh to Cairo, there connecting with the Mississippi "trunk line," which carries the traffic to tidewater at Baton Rouge or New Orleans.

Improvement of the Ohio as a vast natural artery of commerce began as long ago as 1825, although the beginnings of the present canalization project date only from 1879. In 1890, toward the end of the great age of western river transport, the Ohio was carrying about 7,000,000 tons of traffic annually. The development of barge lines carrying coal from the Pennsylvania mines down to the lower Mississippi Valley increased the tonnage until in 1911 it reached 11,772,000 tons on the Ohio River proper, but it fell off thereafter, and in 1917 was at less than half that figure. But the Ohio shared in the post-war revival of river traffic, and in 1927, with the canalization project still uncompleted and with traffic interruptions in times of low water, the river carried more than 20,000,000 tons of freight.

It is upon figures like this that the Federal authorities base their optimism over the potentialities of western river transport in the modern age. Figures are not kept for the ton mileage, a more accurate basis of comparison than tonnage, but the War Department estimates that the traffic on the Ohio and its tributaries amounted to 2,649,000,000 ton-miles in 1926. To give an idea of the size of this figure it might be added that the railways of the southern district (east of the Mississippi and south of the Ohio and the Potomac) carried 101,426,000,000 ton-miles in the same year.

The War Department estimates that the annual saving in freight owing to the use of the river rather than the railroads amounts to about \$25,000,000, of which only about \$10,000,000 could properly be charged to maintenance and interest on the investment in the waterways. The accounting in such estimates is always a matter of controversy, and everyone may not share the War Department's conviction that the improvement represents an obviously economic "investment" of the public funds. But the statistics show at least that the western rivers are a by no means inconsiderable factor in Mississippi Valley transportation to-day, while they have inflamed the valley people with an enthusiasm for continued Federal expenditure on navigation improvements, which is not, perhaps, wholly without justification.

MINUTE MEN OF THE AIR

Mr. DILL. Mr. President, in the American Magazine for November, 1929, is an article entitled "Minute Men of the Air," by William S. Dutton. It reads like a romance. It is the story of what the amateurs in radio have done in developing the radio. I ask unanimous consent that it may be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

While in Hartford, Conn., not long ago, I spent a morning with Hiram Percy Maxim, one of that trio of famous engineers who during the past half century have made their family name renowned wherever firearms and explosives are in use.

Among Mr. Maxim's numerous inventions in the fields of ordnance and electricity that of the Maxim silencer is probably best known to the public. He is president of the Maxim Silencer Co., a member of innumerable scientific and engineering bodies, and the founder and president of both the American Radio Relay League and the International Amateur Radio Union.

It was of the two latter organizations, closest to Mr. Maxim's heart, that we talked—he is probably the world's foremost radio amateur. And as he talked and I listened, I found myself possessed, first, by a thrill of wonder and then by sheer amazement.

He told me of the existence in this world of ours of an adventurous band of brothers, 30,000 strong and scattered over five continents, who hold communion almost at will in the empyrean spaces.

He told me of men and boys who, at the touch of a key, can leap around the world; who have wiped out for all time the age-old barriers of race and language and distance; who have even dared, intrepid souls that they are, to shoot their messages into the void of the infinite and to challenge answers of the stars themselves!

There, in that prosaic business office, he told me of matchless heroism in flood and disaster—of a great emergency system of communication which stands ready to "carry on"—which has carried on—when all other means have failed. He told me of a mighty university of the air in whose thousands of laboratories toil thousands of volunteers nightly. And all for the love of the work and the thrill of achievement!

And when Mr. Maxim had finished, I was amazed, not alone by the tremendous scope of this thing but equally was I amazed by the manner in which it had been built. This whole grand enterprise of world dominion, this gargantuan kingdom of space, had been conceived and executed by amateurs in the face of ridicule! It had been built without capital as such, without exact knowledge as the scientific world defines it. In large part it had been built by schoolboys!

Think back for a moment over the years. Do you remember, in the old days at school, that boy who above everything else was "interested in electricity"? Up in the attic of his home, often as not on the humble

back street, he was always up to queer things with wires and coils and evil-smelling jars. The attic was his "experimental laboratory," that odd jumble of junk his "apparatus."

He built electric motors and batteries to run them; he assembled Wimshurst static machines; he constructed back-yard telegraph lines, and rigged up a burglar alarm in the house that kept older folks on the verge of heart failure. Later he mastered the Continental code and plunged into the intricacies of "wireless"—a tousled, patient, eager-eyed enthusiast filled with an insatiable curiosity and undaunted by a thousand failures.

Yet he was a lonely figure. The baseball field now saw him but little. Nobody thought of inviting him to parties, because he never came if they did. He was girl shy, often laughed at, rarely taken seriously, seldom understood. And in every town of the land there was such a boy, each isolated in his attic.

Then came discoveries. Wireless apparatus, even that of the home-made breed, began to lose its crudeness. The coherer and microphone detector gave way to the crystal, with its enormously increased sensitivity. The single-slide tuner displaced the straight aerial-to-ground hook-up and was itself displaced by the more flexible 3-slide tuner. Improvement followed improvement.

There came a time when somewhere in one of those isolated attics a boy flashed a call into the night as he had flashed it a hundred nights before. But this time his heart almost stopped in its beat. Back at him came a staccato answer, the dot-dash reply of a kindred soul! He jammed his earphones against his ears until his head was ready to crack. Not for a kingdom would he have missed a single stuttering syllable of that first faint "hello" coming at him through the ether.

And that night, up amid the stars, two blood brothers met, shook hands, conversed, and at dawn rode on their magic steeds back to their attics again. A new day had begun, a world of 10,000 wonders had opened for the boy who was "interested in electricity."

To-day these boys and 15,000 like them are members of the American Radio Relay League. They are the owners and operators of as many amateur radio stations officially licensed by the United States Government. The total of such stations in this country is 17,000, and 13,000 more are in other nations of the world.

On short-wave radio sets, mostly built and developed to a high efficiency by their own efforts alone, these amateurs talk with Sydney and Capetown and London, with Byrd in the icy dooryard of the South Pole, with adventurers at sea, with explorers in the jungle of Borneo, while cities a mere thousand miles away are to them as if on the opposite side of the street. Their friends are in every town, in every nation, in every clime; and since the gods of the air exact no tolls, their messages go around the earth free.

Not long ago a German chemist arrived in New York to begin advanced studies at an American university. He had never been in this country before; had never seen nor spoken face to face with a single person in America. And yet, when the German stepped from the boat, he was enveloped in the arms of friends. At an informal dinner that night more friends shook his hand, called him by his first name. He had not seen one of these friends before, but he knew and had met them all, not once but a hundred times, somewhere in the air above the turbulent Atlantic.

That is what amateur radio has done for the boy in the attic—that boy whom, in the old days, both you and I knew. * * *

"Long before anybody dreamed of radio as we know it now there were amateurs experimenting in it," Mr. Maxim told me. "It is a matter of record that at least one American amateur built a receiving set in his home and attempted to receive the letter 's' at the same time that Marconi was making his epochal trans-Atlantic test. That he failed doesn't matter. It is typical of the amateur spirit that he had the courage to try."

"During the next 10 years the aeriels of amateurs were run up in every part of the country. The sets were homemade, crude in design, and lacking in the power that was then deemed necessary to transmit messages any distance. The dot-and-dash code was used exclusively. The transmission of a message from one part of a city to another a mile or two away was hailed as an astonishing success."

Mr. Maxim smiled at the memory.

"But we grew better," he went on. "I recall a little meeting of amateurs held here in Hartford in 1913. We had picked up each other's signals, had become acquainted, and had formed a club. Most of the members were young men; a few, mere boys. Some were rich, some poor, some worked, some were in school or college, but the one thing which mattered was that we were all amateurs."

"That evening a young man announced that he had established communication with Windsor Locks, a town about 12 miles away. We were electrified by the news."

"An excited discussion followed. If Hartford could reach Windsor Locks, why couldn't Windsor Locks reach Springfield, a similar distance to the north of it? And if this feat could be accomplished, why wouldn't it be possible for us in Hartford to send a message by relay to Springfield, and possibly receive an answer back in an hour?"

"The idea fired the imagination of every person present. I know that I went home to sit up the rest of the night perfecting the efficiency

of my transmitter that it might be up to such a test. The next night we did reach Springfield! It was the beginning of a great adventure.

"We asked, Why stop with Springfield? Why not relay a message on to Pittsfield, and even to Albany? Yes; and the fellows over in Albany could get in touch with Utica, and those in Utica with Buffalo, and those in Buffalo—

"Suddenly we were startled by the bigness of the idea. The same thought was in every mind: Why not apply the relay plan to the entire United States? Why stop with Buffalo or Chicago or Omaha? Let our message hop onward to the Pacific itself!

"Older men might have scoffed at such a daring suggestion, based as it was only on the fact that we had relayed a message less than 30 miles; but these young men saw a vision, and cheered. Back they went to their attics to work with a new determination.

"That year, pursuant to a law passed in 1912, the Government published a call book that contained the names of all amateurs who had passed the tests to obtain transmitting licenses. The names listed in the book showed that in the country several thousand amateurs already had licenses. More amateur stations were in operation than Government and commercial combined.

"Amateur clubs began to be formed. The lone workers got together, exchanged ideas, helped each other to improve their sets. Clubs in one town got in touch with those in the next. Our relay idea didn't look quite so ridiculous now.

"In 1914 we organized the American Radio Relay League, invited every amateur who would to join, and on February 22, 1918, a Washington's Birthday message was relayed out of Davenport, Iowa, to all parts of the Union entirely by an amateur network. And in the next February a message actually was relayed from Hartford to the Pacific and back again in 1 hour and 20 minutes.

"It is a significant fact that only five stations took part in the latter relay. In three years' time by organized effort we had stretched less than 30 miles into almost 3,000, and we had broadened our relay jumps from about 12 miles to an average of 750 miles. The amateur had 'arrived.'"

Mr. Maxim might have added that the original conception of a nation-wide amateur relay system had been his own; that it was he and another Hartford amateur, C. D. Tuska, who wrote letters to every amateur listed in the national call book, inviting them to join in a relay league.

It was a great vision, that of Maxim and his crony Tuska, who later was to become chief engineer to the largest manufacturer of radio receiving sets in America. They knew these attic workers. They knew their courage, their patience, their resourcefulness in difficulty. Many of these lone experimenters were astonishingly able, as you shall see. All were zealously in earnest.

Thought Maxim, as he toiled at his own experiments, what a power these isolated workers would become if by some magic they could be brought together in united effort. What a reserve army they would be to science if order could be injected into their work, a directing force put behind it!

Months he had been pondering this, talking to Tuska about it, proposing plans, discarding them. True, most of the amateurs in radio were schoolboys—their average age wasn't more than 16 years, probably—but boys grow up, Maxim argued, and radio, too, was young. He was thinking into the future, planning years ahead.

Then came his relay idea.

About 300 amateurs answered the first call of the league. There were no dues. When expenses came along, Maxim or Tuska dug down into their own pockets and paid them. They wrote innumerable letters, reached as many amateurs as they could by radio, and slowly the organization began to assume form, relay lines to be established, interest to grow. A monthly magazine called QST was started for the interchange of news and information of a practical sort.

In 1917, when that first transcontinental message was flashed by relay across the Nation and back again, the Amateur Radio Relay League was an incorporated body with almost 4,000 members. Its relay lines crossed every State. One east-coast station actually had been heard direct by a west-coast station, and over in Westfield, N. J., an amateur, Charles E. Apgar, had trod the road to national glory.

Apgar had become suspicious of the great German wireless station at Sayville, Long Island. We had not yet entered the war and this station was supposed to be neutral, but Apgar had doubts that it was. So he tuned in his homemade set on the German radio giant, copied on phonograph records its transmissions, and thereby provided evidence for the Government to take it over.

Amateur radio was becoming something of a giant itself in those early months of 1917. Several manufacturers were catering to amateur needs in equipment. The relay lines of the league were handling tens of thousands of messages monthly, and Maxim's dream of united effort seemed on the verge of being realized.

And then America declared war.

Coincident with that war declaration two things happened—a ban was placed on the operation of all amateur radio apparatus and a representative of the Navy Department called on President Maxim and Vice President A. A. Herbert of the Relay League.

"We need skilled radio men," said the naval officer. "We must have experienced relayers, instructors, operators, repair men. Can you give them to us?"

"How many do you want?" asked Maxim.

"Five hundred," came the reply.

"How soon?"

"At once; within 10 days."

A last broadcast went out over the league's relay routes, over those invisible lines strung from attic to attic by schoolboys. In war a boy is a man when he becomes 18 years old, and it was as men that these boys responded. Within 10 days the Navy had its 500—it could have had treble that number.

Whereupon amateur antennae were lowered, transmitters were sealed, receivers were dismantled. The magazine, QST, stopped publication as 3,000 additional Amateur Radio Relay League members followed those first 500 volunteers. The league's headquarters in Hartford closed its desks and drew down its blinds, and on its locked door the last departing boy hung a placard, "Gone to war." Seven in every eight of the league's members were in uniform!

Afterwards?

"There was no league after the war," said Mr. Maxim. "We had only \$33 in the treasury. The ban on amateur radio continued in force for almost another year. It looked at times as if the amateur in radio were done.

"However, 11 days after the armistice I called a meeting of the old directors that was the first of a series of meetings over a period of months. It was decided to revive the league if possible, to employ a paid secretary, to buy QST from Mr. Tuska, who was its owner, and to do all this by selling \$7,500 in bonds to whatever old members would subscribe.

"In July, 1919, the first postwar issue of QST was printed, with money lent by the printer himself. It was sent out with a complete statement of the facts: That the league no longer existed save on paper; that it was without assets and in debt; and that if it was to be revived the bonds would have to be bought, secured though they were only by a promise.

"Remember, not an amateur station was working, not one, and we had no positive assurance that they would ever again be permitted to work. Practically every nation in the world was opposed to licensing amateurs. The big commercial companies were hostile to us. The feeling was growing that the air was too valuable to allow even a small part of it to be taken up by a 'bunch of boys.' The only supporters we had were the Army and the Navy. They remembered.

"Despite this, on the very day that the magazine went out, subscriptions to the bonds began to pour in. As one man, the old members subscribed to that bond issue.

"The summer went by. Again we had a league, but it was a league under ban. We kept hammering at Washington, and at last, during October, the ban was lifted. There was a rush of amateurs to get back on the air. The league went on."

Since Marconi's first experiments experts have regarded the long wave lengths as essential to long-distance transmission. The radio law of 1912 confirmed this belief. The wave lengths up to 21,000 meters were allocated to long-distance services. Those around 1,000 meters were assigned to services with more limited range needs. The amateur, looked upon as a nuisance, was told to stay below 200 meters and keep his power within 1 kilowatt. That, it was felt, doomed the amateur to the confines of his own back yard.

The experts, however, didn't know the amateur. He grumbled mightily at the crumbs dropped to him, as was natural, but then with insatiable curiosity he began to put those crumbs to use.

When the war interrupted his activities, the boy in the attic had been on the verge of a great discovery. After the war he cracked that discovery wide open and made it his very own. Those short waves, discarded so contemptuously by the professionals, were the long-distance waves! The experts were wrong!

During 1920 and 1921 amateurs working the 200-meter wave length flashed their messages back and forth across the continent and even down to Panama. Maxim in Hartford started a message to Los Angeles and got an answer back in six and one-half minutes. The signals of an American amateur were picked up at Gibraltar. Canada joined the league.

In December, 1921, the league sent one of its members, Paul Godley, to Scotland. At the very edge of the sea, on a bleak Scottish moor, Godley pitched a tent and set up therein a receiving apparatus. While the rain poured down and Godley nearly froze in the drafty tent, the amateurs back home shot signals at him. In 10 days he logged 27 American amateur stations operating on the despised 200 meters.

The next goal was 2-way communication with Europe. Tests were arranged with English and French stations but they failed. Americans were heard in Europe and the foreign amateurs were heard in America, but the signals were erratic, undependable. Then some bold spirit, adventure in his blood, dropped his wave length to 110 meters, and by the close of 1923 2-way communication with Europe was a fact. More, American amateurs were talking across the Pacific with Hawaii.

"The development of short-wave radio transmission is one of the outstanding examples of amateur endeavor," said Mr. Maxim. "By the summer of 1924 amateurs had experimented as far down as 20 meters. On this low wave length it was found that transcontinental communication was practicable at high noon; that the 20-meter signals were actually stronger in daylight than at night. European communication had now become matter of fact; the Pacific was conquered and regular communication established with New Zealand and Australia; South America was worked with the greatest ease, and finally South Africa was reached.

"Language is no barrier. Messages are sent by Continental code in an abbreviated form developed by the amateurs themselves and understood by amateurs the world over. There is not an amateur of any experience who hasn't friends in a dozen countries. The amateurs of 30 nations are organized and cooperate on a world scale through the International Amateur Radio Union."

Mr. Maxim believes that these amateurs, now 30,000 strong and growing in numbers daily, represent a tremendous force for world peace; that possibilities of great future scientific attainment are foreshadowed by what they have achieved.

The regenerative circuit, on the principle of which every modern radio set is based in some degree, was invented by an amateur.

The first practical single-control broadcast receiver was built by an amateur several years before this type of receiver, now in millions of homes, was adopted commercially.

A recent incomplete survey of radio concerns disclosed 42 ex-amateurs in presidential chairs; 47 serving as vice presidents, secretaries, or treasurers; 94 as chief engineers and engineers; 48 as managers and special executives; and 12 as owners or partners. In the broadcasting field the operating personnel of many a famous station was found to be made up entirely of men who had been amateurs. An average of one ex-amateur was found in every broadcasting station in the country.

When MacMillan was organizing his Arctic expedition of 1923, he came to the league for radio equipment, and a league member went north on the *Boscodoin* as operator. For the first time in history, an Arctic explorer maintained regular communication with the outside world—on amateur apparatus, through amateurs.

Again, in 1925, MacMillan used amateur radio, and in the following year Wilkins took two amateurs with him into the Arctic. Likewise, amateurs handled the bulk of Byrd's arctic communications, and to-day three of the four radio men with him in the Antarctic are amateurs.

Dr. Hamilton Rice, exploring the jungles of the Amazon, vainly tried to maintain communication with long-wave commercial stations. At last, in desperation, he turned to short-wave transmission, and for months relied upon amateur contact in the United States for ordering supplies and sending in reports.

On June 5, 1926, a Russian amateur, on a short-wave set, picked up the first faint S O S of Nobile's wrecked expedition in the Arctic. He gave that news to the world through an American amateur 7,000 miles away on our own Pacific coast.

"During 1928," said Mr. Maxim, "nine expeditions were depending upon amateur contact for communication with this country. Most of them had amateurs as operators and amateur-built radio apparatus. Furthermore, since 1919 amateur radio has been the principal, and often the only, means of outside communication in more than 16 storm and flood emergencies in this country."

That marvelously efficient relay system of the Amateur Radio Relay League has become the Nation's last line of communication in disaster, and those boys of the attic laboratories have become the modern American minute men of space.

On March 13, 1928, the St. Francis Dam of the Los Angeles water supply gave way. Ten towns were in the pathway of the flood, which carried death and destruction with it. Every regular means of communicating with the world was wiped out.

Help was needed desperately. Somehow the Red Cross had to be notified. At 4.30 o'clock in the morning, while the helpless officials of Santa Paula pressed about him, a 17-year-old boy, C. A. Primmer, on a transmitter he had built himself, sent from the stricken area the amateurs' Q R R call of distress.

They hadn't much confidence in Primmer, those officials of flooded Santa Paula. They hadn't much confidence in his homemade set. But in Oakland a veteran amateur, W. A. Hammond, was still at his receiver. He caught Primmer's call, telephoned it to San Francisco, and shortly his message came back to Primmer that supplies and workers would be on the way. Amateur radio then took up the burden of communication, as station after station arose to the emergency. That night Primmer was still on duty at his key.

The Florida hurricane of 1926, the Mississippi and New England floods of 1927, and the second Florida hurricane of 1928 saw the amateur minute men in heroic action. Hundreds played a major rôle in maintaining that "last line."

In New England, when the authorities went to the amateurs for help, they found them already in touch with the outside. They had crawled from flooded homes and shops, often leaving dead relatives or comrades behind them, to erect emergency aeriels, to borrow batteries for power, and in some instances actually to build transmitting apparatus on the

spot to replace that demolished. Red Cross, Army, press, railroads, public turned as one to the amateur, and those Yankee amateurs, as one man, "came through."

Florida amateurs in 1928 made ready in advance of the hurricane. An amateur set in the Virgin Islands had flashed out warning of the oncoming storm. At 1.30 a. m., in Palm Beach, Ralph Hollis, a fireman, and Forrest Dana, a civil engineer, hunted up a radio dealer and bought batteries to prepare Hollis's station, 4AFC, for the worst.

It came. The antenna went, and it seemed that the building would go with it. Flying bricks and debris drove the two men into the open, but they managed to rescue their apparatus and set it up again in another spot. From Monday to Thursday of that terrible week amateur station 4AFC was continuously on the air. Through it, assisted by other amateurs, the relief machinery of the Army and Red Cross was set into motion and supplies started in for the thousands of destitute.

Both men "carried on" as volunteers, though about them men were injured and died and buildings crashed. It was "one more for the book" of amateur radio.

REVISION OF THE TARIFF

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 2667) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes.

Mr. BRATTON. Mr. President, an editorial appeared in the *Baltimore Sun* of October 19 in relation to the amendment proposed by the Senator from Georgia [Mr. GEORGE] to the pending tariff bill providing for a consumers' counsel. I think it is worthy of being printed in the CONGRESSIONAL RECORD, and I ask that that may be done.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the *Baltimore Sun*, October 19, 1929]

NO WASTE OF TIME

The Senate spent five hours discussing a proposal by Senator GEORGE, of Georgia, to have a "consumers' counsel" attached to the Tariff Commission. It then adopted the plan, but was subsequently scolded by Senator SMOOT, who sadly complained against the time consumed in the discussion.

If the Senate had spent a solid month in discussing the proposal of Senator GEORGE, it would have been fully justified in any historical perspective on tariff making. In the past the one party on whose interests no time has been lavished in drafting tariff legislation is the general public. A 5-hour inning for the consumer, far from being too long, is barely long enough to warm up well on the subject.

The plan proposed by Senator GEORGE and adopted by the Senate is a good one. In brief it provides that a competent public official shall be on hand at Tariff Commission proceedings to see to it that the interest of the consumer is fully represented. It is akin to the "people's counsel" arrangement in the public-utility field.

In proceedings before the commission groups of producers are well organized and know what they want. If anyone ever had any doubt about that, it is being thoroughly dispelled by the Caraway committee investigation. Consumers are not organized and have no way adequately to protect their interests before the commission.

Even if the members of the Tariff Commission were always scrupulously concerned to protect the public interest they would have a difficult time because of lack of adequate consumer representation. A "consumers' counsel," equipped with the powers granted by the George amendment, can not only provide some protection against tariff raids launched by producing groups but can also initiate moves of his own to reduce exorbitant duties. This latter power, rigorously employed, might well result in having the flexible tariff flex down as well as up.

Mr. SIMMONS. Mr. President, I desire to make an inquiry of the chairman of the Finance Committee.

At the last meeting of the Finance Committee, which I think was held on Monday or Tuesday of last week, it was agreed that the responses of the Secretary of the Treasury to Senate Resolution 108, asking for certain information in connection with tax returns, should be printed, that a copy of the document should be furnished to each Senator, and that a number of other copies should be kept by the committee, to be delivered only upon the written request of Senators. We were informed at that meeting that the report was in the hands of the printer. I should like to ask the Senator from Utah if he has any information as to when we may hope to receive the document?

Mr. SMOOT. Mr. President, the Finance Committee has received not quite 500 returns from the Treasury Department. Between 900 and 1,000 have been called for. So far as the 500 already in hand are concerned, I think the Public Printer now has them in shape; but he is waiting for the others, so that he may issue them in one volume, which is in accordance with what I understood the desire of the committee to be. During the last few days I have not asked how soon the remainder of

the returns would be available, but I know the department is working with all the force at its command to get them together for transmission to the committee.

Mr. SIMMONS. I must confess that I did not understand that the returns which have already come in were to be held up until the remainder of the returns came in. Nobody can predict when the other 400 returns will come in; we are now about to enter upon a discussion of tariff rates; and it is very important that we should have such information as may now be available. I wish to inquire of the Senator, therefore, if he will not have struck off some copies of the returns that have already come in, and not have them held up until the remainder come in, which would result perhaps in a month elapsing before any report shall be made to the Senate?

Mr. SMOOT. If that is the wish of the Senate and of the Senator, I am quite sure that the committee will have no objection to having them printed in more than one volume; and I shall this day ask the Public Printer to bind in one volume whatever reports have been received, and to print and bind the remainder of the returns in another volume just as quickly as they shall be received.

Mr. SIMMONS. I think that will be much more satisfactory. We need such returns as have been submitted for immediate use.

Mr. SMOOT. If there is no objection on the part of any Senator, that is what I will do to-day.

Mr. SIMMONS. Will the Senator also urge the Treasury Department to expedite as rapidly as possible the compilation and submission of the other returns?

Mr. SMOOT. I will say to the Senator that I have telephoned a number of times, and I know the department is doing everything in its power; but I will telephone again to-day and find out just how many have been completed.

Mr. HAWES. Mr. President, as we are approaching the end of the discussion of the administrative features of the tariff bill, I think a wrong impression is going to the country, through the press and through public men, as to the action of the Senate with relation to the flexible tariff.

I read with interest yesterday that the Secretary of Agriculture, Mr. Hyde, had been discussing the flexible-tariff question in Iowa. He was very enthusiastic about it. What the present commission has done or left undone, and how it has operated, has been so thoroughly discussed before the Senate, and the record made by the commission both in commission and in omission has been so uniformly bad, that it is not necessary for me to discuss that commission.

This address called my attention to the fact that there seems to be a studied effort to create confusion in the minds of our people on the subject of the flexible tariff.

Personally, I am in favor of a commission, fact finding, of a judicial character, surrounded by such safeguards as will preserve its independence; and, as I understand it, the Senate amendment proposes to preserve this kind of a commission, with no diminution of power, with no encroachment upon its prerogatives or lessening of its scope of usefulness.

If there is anyone in the Senate who is opposing a commission which may make frequent and repeated tariff changes, I have not heard of it; so when the statement is made that there is opposition to the flexible tariff in this Chamber, it is a misstatement of fact.

There is a difference of opinion as to whether the President of the United States should select and appoint a commission and then raise or lower tariff rates upon the recommendation of a commission which he himself has selected and appointed.

There is no partisanship in this subject.

I would like to quote briefly a statement of a great constitutional authority, a man who has written one of the best modern books on the subject of the Constitution, and has represented the United States Government as United States district attorney, Assistant Attorney General, and Solicitor General before our Supreme Court. Mr. BECK said:

Taxation is the first and greatest function of a legislative body, and it is the one function that has hitherto distinguished a free nation from one that is not free.

Again he said:

As the compensatory duty is likewise vested in the discretion of the President, the President can in his discretion destroy an industry by reducing the tariff or destroy one competing industry in favor of another by imposing an increase of duty, and there is no officer or court who can call his act into question. He would be as arbitrary as a Tudor monarch. I should be amazed if such a principle should become a law.

Mr. BECK also clearly shows that the President may remove any member of this commission at will in a case which he sustained before the Supreme Court.

The President can remove them at will—

He said—

under the case that I argued in the Supreme Court—*Myers v. United States* (272 U. S.) * * * the power of the President to remove every member of the Tariff Commission is established beyond peradventure.

Again Mr. BECK said:

So that with his power of appointment, stimulating gratitude, and his power of removal, stimulating fear, the President controls the Tariff Commission.

Again he said:

If you give to the President this enormous power over every manufactured commodity, the power to ascertain the fact, which if he finds it no one can dispute and which, having found, he is the judge of the appropriate remedy—if you give him that power, you have given him power which admits of infinite abuse.

The story which has been so frequently carried in the press and repeated again and again, that the majority of the Senate who voted for this kind of a commission are opposed to a flexible tariff, is not only misleading; it is dishonest. Not only is the public being misled in this matter, but in some quarters there is a published threat that if the President is not given this power he will veto the tariff bill. For one, I do not believe this to be true. The President will not, in my opinion, veto the tariff bill for this reason. There may be other reasons that would impel him to do so, but not this one. He will not veto the tariff bill on this account because it would involve the one issue of power either given or taken away from him. It would not relate to tariff schedules, but to presidential power.

Another reason why I am quite confident the President will not veto this bill on that account is his own statement, made in Boston on October 15, 1928:

The Tariff Commission is a most valuable arm of the Government. It can be strengthened and made more useful in several ways. But the American people will never consent to delegate authority over the tariff to any commission, whether nonpartisan or bipartisan. Our people have the right to express themselves at the ballot upon so vital a question as this. There is only one commission to which delegation of that authority can be made. That is the great commission of their own choosing, the Congress of the United States and the President. It is the only commission which can be held responsible to the electorate.

This is a preelection statement. It was on that statement in regard to the tariff matter that the President solicited votes.

So, with this record, I for one do not believe there is the slightest danger of the President vetoing a tariff bill passed by Congress containing a flexible-tariff feature which could be easily and quickly exercised by the House and the Senate.

Between the situation if the President exercised the power and that if Congress exercised it there would be this difference: On any changes that were made 435 Representatives in Congress would speak for the people they represent, and 96 Senators would speak for the States they represent, and not one man.

It is unnecessary for me to repeat the fact that there is not a king, emperor, or foreign potentate in either Europe, Asia, Africa, Central or South America who possess this power. Nor is it possessed by the governors of any one of our 48 States. Nor is it delegated to an executive by any civilized nation in the world!

It is only a question of who shall exercise the flexible power in tariff revision. Shall it be exercised by the Congress of the United States, or by the President of the United States?

When the statement goes forth from public men or is printed in the public press that Senators on this side or Senators anywhere in this Chamber are opposed to a flexible provision in the tariff bill it is a dishonest and a misleading statement and it should not be continued.

I ask to have inserted in the RECORD as a part of my remarks a very able editorial from the St. Louis Post-Dispatch in regard to this matter.

THE VICE PRESIDENT. Is there objection?

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the St. Louis Post-Dispatch, October 3, 1929]

THE "FLEXIBLE" TARIFF

The flexible clause in the tariff bill, which the Senate has defeated over Mr. Hoover's head by a coalition of Democrats and insurgent Republicans, was nothing better than a proposal to transfer an important taxing power from Congress to the President. That is to say, it

was another attempt to modify the fundamental structure of the Government without the formality of changing the Constitution. The tariff is a tax. If there is any power in a republic which belongs peculiarly to the legislative branch of the Government, it is the power to levy taxes. This forms one of the clearest distinctions between republics and monarchies.

Because the Supreme Court held in the Hampton case that the flexible clause of the tariff act of 1922 was constitutional, it has been hastily assumed in some quarters that the legality of the principle of flexibility is no longer open to question. Such a conclusion is unwarranted, either in practice or by the facts in this case. On the contrary, as Senator WAGNER, of New York, pointed out Tuesday, there is very good ground for believing that the Supreme Court would reverse itself if the issue were presented again. The law of 1922 assumed certain things to be true, and the court took the law at its face value in making its decision. Since then experience has demonstrated that the assumptions were erroneous. For example, the law assumed there are definite production costs for all commodities, and that these costs can be accurately ascertained by the Tariff Commission. The experience of the last seven years has shown that the costs vary widely, and that in virtually every important commodity investigated by the commission its members have disagreed on the costs. The Supreme Court held in the Hampton case that under the law the President was merely empowered to act on an undisputed set of facts. It is obvious seven years later that the court was mistaken, and there is no reason for disputing Senator WAGNER's opinion that the court would correct its mistake if given an opportunity. It would be no novelty in the history of the court.

The argument for flexibility is simple—too simple, alas. It is that tariff revision would be more "efficient" under the President than under Congress. This, of course, is an argument for dictatorship. No doubt one man with absolute power can govern a nation more "efficiently" than an assembly of men with limited powers and conflicting opinions, provided that man is always wise and benevolent. But after a good many trials the peoples of the earth generally have decided that it is better to endure the defects and inefficiencies of popular government than to take the chance of giving absolute power to one man who may turn out to be wicked or unwise. And experience has justified that decision.

It is difficult to understand how Mr. Hoover could support the provision in the present bill. True, he is an engineer, and hence views with impatience the delays and inefficiencies of representative government. Nevertheless, on this particular question he has declared himself with great vigor and distinctness in favor of the relatively slow and cumbersome process which is provided by the Constitution. Following Governor Smith's tariff speech at Louisville during the last campaign, in which he advocated strengthening the Tariff Commission and making it a nonpartisan body, Mr. Hoover replied at Boston in the following robust language:

"The Tariff Commission is a most valuable arm of the Government. It can be strengthened and made more useful in many ways. But the American people will never consent to delegating authority over the tariff to any commission, whether nonpartisan or bipartisan. Our people have the right to express themselves at the ballot on so vital a question as this. There is only one commission upon which delegation of that authority can be made. That is the great commission of their own choosing—the Congress of the United States and the President."

As a matter of fact, Governor Smith had not advocated the delegation of tariff-making power to the Tariff Commission. Mr. Hoover quite evidently misunderstood him. But Mr. Hoover gave utterance to a sound principle when he said that the power should remain where the founders of the Government had placed it. That he should have abandoned it so soon is astonishing. The proposal which he now supports is more revolutionary than that which he mistakenly accused Governor Smith of advocating. It is not surprising that the Senate has rebuked him.

There is no more reason why the President should levy import taxes than that he should levy income taxes. That power does not belong to any one man nor to any commission. It belongs, as Mr. Hoover said at Boston, to the Congress of the United States and the President. We congratulate the Senate.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. HAWES. I yield.

Mr. TYDINGS. I would like to ask the Senator if it is not a fact that the flexible provision is now in the tariff law.

Mr. HAWES. Certainly it is.

Mr. TYDINGS. I would like to ask the Senator if it is not a fact that he and all the Members of the Senate on this side of the aisle voted to retain the flexible provision in the tariff law.

Mr. HAWES. Certainly.

Mr. TYDINGS. So the statement that the flexible provision is not in the tariff law and that the Senate has defeated the flexible provision is erroneous and misleading and false?

Mr. HAWES. Not only erroneous and misleading and false, but it is being deliberately made.

Mr. KING. Mr. President, will the Senator yield?

Mr. HAWES. I yield.

Mr. KING. I did not hear all the Senator's statement, having been in attendance on the Judiciary Committee. Did he comment upon the fact that it is rather customary now for Government officials—admirals, Army officers, Cabinet officers, representatives of the legal department of the Government—who have been employed and selected not to make but to execute the laws, to spend a considerable portion of their time canvassing the country, delivering diatribes against those who differ from the party in power or from the Executive, and trying to determine the policies of the Government, particularly of the Congress, and, by propaganda, to inflame the minds of the people so that they will take the point of view which these representatives of the administration present to the people?

It seems to me that that is a very unwise proceeding and a very improper course. It appears to me that those who are selected to execute the law should be content with the great responsibilities resting upon them, and should not attempt to carry on an extensive propaganda, particularly when they are executive officials, and in the pay of the Government, called to discharge important responsibilities, in order to secure legislation, especially legislation which would aggrandize their power and strengthen the executive department. I was wondering whether the Senator had touched upon that matter.

Mr. HAWES. No, Mr. President; I did not discuss that matter, but I believe that the public mind should be thoroughly cleared of any misapprehension regarding opposition to a flexible provision in the tariff bill, and the report that there is such opposition seems to be studiously spread, to be part of a program, part of a propaganda; and it is not true.

I am in favor of a flexible provision, but I am opposed to this delegation of power, or retention of power, just as is Mr. BECK, a Republican Representative in the Congress, and an able lawyer; and I can only assert that that power is not given to any ruler, potentate, king, or emperor in the world except in the United States.

Mr. SIMMONS. Mr. President, will the Senator yield?

Mr. HAWES. I yield.

Mr. SIMMONS. Does not the Senator from Missouri think this propaganda by Cabinet officials is especially obnoxious and subject to criticism when it is directed toward a controversy between the Congress and the President with reference to power?

Mr. HAWES. I have not a copy of Secretary Hyde's speech. All I have is the headline in yesterday's paper, which said, "The farmers need it," and so on, and that this commission rescued the dairy business from destruction. It is just part of what seems to me to amount almost to a conspiracy to confuse the public mind regarding the flexible provision in the tariff bill. We all favor it. I do not know any objection to it upon the part of any Senator. I may be mistaken in that. It is just a question whether it should be exercised by the Congress or by the President, and the question is not as to the advisability of the flexible provision.

The VICE PRESIDENT. The next amendment on the Secretary's desk is one offered by the Senator from Oregon [Mr. STEIWER], which the Secretary will read.

The CHIEF CLERK. On page 447, line 12, strike out the period and insert in lieu thereof a semicolon and the following:

Except that the master or owner of a vessel used by any person as a common carrier in the transaction of business as such common carrier shall not be liable to such penalty, and the vessel shall not be held subject to the lien, if it appears to the satisfaction of the court that neither the master nor the owner knew, and could not, by the exercise of reasonable care and diligence, have known, that such smoking opium or opium prepared for smoking was on board.

Mr. STEIWER. Mr. President, I think the RECORD discloses that my amendment has not been formally offered. I therefore formally offer it at this time.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. ROBINSON of Arkansas. Mr. President, previous debate has disclosed that it is the unquestionable desire of the Senate to do everything reasonable and practicable to penalize the opium traffic. When the Senate amendment which was rejected was under consideration the Senator from Oregon [Mr. STEIWER] then indicated that in due time he intended to present an amendment similar to that now under consideration. The amendment would relieve the master or owner of a vessel from liability to the penalty and also the vessel itself from the lien if it appears to the satisfaction of the court that neither the master nor the owner knew and could not by the exercise of reasonable diligence have known that such smoking opium or opium prepared for smoking was on board.

It is believed that the amendment is reasonable and just. If either the master or the owner knew, or unless it is made to

appear to the court that either the master or the owner knew of the violation of the law or by the exercise of due diligence could have known of it, they will both be held liable and the lien may be enforced.

With this statement I am pleased to say that I have no objection to the amendment.

Mr. SMOOT. Mr. President, I have no objection to the amendment. The Senator from Arkansas has explained it in detail.

Mr. BLEASE. Mr. President, I do not think the Senate should put an amendment on this bill or a provision in any law that will give the slightest opportunity to any man, whether he be the captain of a vessel or whatever he may be, to slip opium into this country.

I have in my possession a letter which is unsigned and ordinarily I never use an unsigned letter. If a man is not man enough to sign his name to anything he writes to me I do not pay any attention to it. However, just for what it is worth in this case, the writer of this letter said that he served on a vessel and that he had never seen a man searched in his three years in the service and had never seen a vessel searched; that he had actually seen men take the braid off of their uniforms, put opium under it and sew the braid back on, and in that way bring opium into the country; and that if he himself had wanted to do so he could have brought any amount of it into the country, because in all of his trips, as I just stated, neither he nor anyone connected with the ship had been searched.

Just a few days ago the following article appeared in the Baltimore News:

SIX HUNDRED AND FIFTEEN THOUSAND GRAINS OF DOPE DIVERTED

By Kenneth Clark

WASHINGTON, October 14.—Nearly 615,000 grains of dope—more than enough to poison every man, woman, and child in the Nation's Capital, or 2,500,000 medical doses—sixty-seven times more than used in a whole year in the four largest hospitals in Philadelphia.

Staggering figures these, but they represent only a portion of the legal imports of opium that are diverted to peddlers and drug addicts. They are the diversions of but a dozen unscrupulous physicians. And yet this dope is included in fixing the medical needs of the country for drugs.

The figures are not fanciful. They came from the sworn testimony before Congress of Col. L. G. Nutt, chief of Federal narcotic enforcement and secretary of the Federal narcotics control board.

The figures are important at this time, because in a week the control board, composed of representatives of the State, Treasury, and Commerce Departments, will meet to fix the allotments of raw opium and cocoa leaves that can be imported into the United States next year to be manufactured into morphine, cocaine, and other deadly drugs for medical requirements.

Instead of instituting a scientific survey the board consults the manufacturers, the wholesalers, the compounders, and then relies largely on their records of sales to ascertain the medical needs.

In a bulletin issued by the Far Eastern Information Bureau at Nanking, dated August 1, 1929, entitled "Inspection of Export Cargo," on page 23, I find the following statement:

OPIMUM ON BOARD BRITISH GUNBOAT

According to Chinese reports from Hankow, opium was recently discovered on the British gunboat *Pater*. The said gunboat carried about 13 piculs of smuggled opium down the river from Chungking early this month. This, however, was detected and reported to the Wuhan general inspecting office, and accordingly the Lianghu special tax office communicated with the commissioner for foreign affairs, who in turn notified the British consul to the same effect. Consequently when *Pater* arrived in port these officials, with the assistance of the customs officers, searched the ship and found on board about 90 catties of the drug. Another quantity of several piculs of the contraband was furtively conveyed to Wuchang on the same night before the inspecting office could find time to notify the commissioner for foreign affairs.

I hold in my hand a tract signed by Charles W. Rankin, president of the University of China. Speaking of conditions over there, he said:

China's population is reckoned at about 450,000,000. Only about 600,000 are said to be Christians. The rest are largely in heathen darkness. On an average the entire population dies about every 35 years.

It is an interesting document, but I shall not ask that it be printed in the RECORD.

We can see evidences of the smuggling of opium right here in this city. We do not have to leave home to see it. We do not have to leave the Capitol to see it. We can stand in the window in the office of the Secretary of the Senate and see where this stuff is being sold every day. That is not hearsay. We have the proof. We have the actual opium itself which was

bought within the last few days. We know it is being smuggled. The people of the country know it. They know there is not a more damnable curse on earth than this kind of dope when people begin to use it.

I do not care to take the time of the Senate to do so, but I could give some experiences based on personal knowledge of young men whom I have seen absolutely destroyed by the use of this dope. Why should the United States Government let it come in here? If it was liquor, the boat on which it was brought in would be sunk, the captain would be shot, and the ears of the members of the crew would be cut off. But here is a thing a thousand times worse than whisky and yet we are going to raise the floodgates and make it easier for this damnable drug to be brought into the country and sold to our young folks at a tremendous profit and its use spread among our young people. Young women have got to using it. Young men are using it. There are those who peddle it who go around and let people know they have it for sale.

I am not censuring Colonel Nutt. I am not censuring his department or any of his men. I am trying to help them. I have some evidence for them that I expect at the proper time to submit to them, when the young man who obtained it says he is willing to have his name used. I propose to turn that evidence over to the proper authorities at that time. But I am not going to do it until the young man says I may, because I have made it a rule all my life, if a man comes to me and gives me information in confidence, that no one but that man and I will ever know it unless he authorizes me to tell it or unless he tells it himself. Whenever a man tells me anything in confidence he can depend on it staying in confidence until he releases it. If he never releases it I never shall. I use information which people give me when I know that it is reliable and I can use it safely. If it is necessary they will back it up. It is up to this young man to say whether or not his name shall be given to the public, and when.

I do not think the Senate under any conditions or circumstances should make it easier to have opium smuggled into the country. I think we should make it vastly more difficult if not impossible. We talk about putting a man in jail for five years for having a drink of liquor in his pocket and then we turn right around and say to these ship people, "Come on, Mr. Shipbuilder, you are rich and powerful. We will give you the right to bring this dope in. We will give you the right to smuggle it. We will give you the right to violate the law. We will give you the right to tell a lie and say you did not know it when you did know it. But if it is a poor little devil working on your ship down in the hold, who has a half pint of liquor hid somewhere, we will put him in jail for five years."

Such things as that are making people dissatisfied to-day. It is going to cause a revolution in this country and it ought to cause it if we continue to sit here and enact laws for the benefit of the rich and the influential, and if we continue to sit here and smile at the rich drinking whisky, smile at the rich and the foreigners in the embassies having their banquets with whisky served on the tables, smile at the man who calls himself "The boss man," who has whisky in his office and drinks it at his leisure and at his pleasure; but the poor man who does the hard work, the real manual labor, is put in jail for even taking a drink. Yes, we will have a revolution and it will come earlier than most people expect it.

I plead with the Senate not to adopt this amendment. The dope does not bother me. No power on earth could put a dose of it in my body. No doctor could do it under any circumstances. I will have none of it.

It is wrong to open the door to this smuggling. We passed on this question the other day and decided then to leave the law relating to the matter just as it is. Why not leave it alone? Those who are interested in running ships should be the very first people to be interested in enforcing the laws instead of asking to have them made lax. I am surprised that there should be even an attempt to make it easier for people to smuggle opium or other dope into the country.

I hope that I have made myself clear. I am not criticizing anyone. I do not want to do that, but I do want to invite the attention of the Senate to the fact that I have been making a study of this question for some time past. I have gone out of my way to put myself in a position to know something about it. I have not anything against the Chinese. I have friends among them. I have not anything against China. But I have something against any man selling opium or any similar dope to the young boys and girls of this country; dope that we all know will destroy their bodies, their brains, and finally send their souls to hades.

I hope the Senate at no one's request will permit this kind of an amendment to go into the bill. Let us stand by our action of a few days ago—stand by the House bill and for law

enforcement to all men alike—the rich, the poor, the black, the white, the individual, and the corporation.

Mr. COUZENS. Mr. President, the Senator from Missouri [Mr. HAWES] made a statement a short time ago in connection with the flexible provision of the tariff, to which I wish to call attention. He said that no king, no potentate, no individual in any foreign country is permitted to change the taxes, either to raise them or lower them. I desire to make just a short reply by inviting the attention of the Senate to Senate Document No. 33, which was just placed on the desks of Senators this morning, presented by the Senator from Virginia [Mr. SWANSON]. It is entitled "Tariff Increases in Various Countries, 1922 to 1928, inclusive."

I invite the attention of Senators to it because it will be observed from an examination of the document that placing the flexible tariff in the hands of the head of the Government or in the hands of Government officials is not the exception; that it is quite the usual practice. I want to have the attention of the Senator from Missouri particularly, because we who voted for placing the flexible tariff in the hands of the President were not proposing the adoption of such an exception as the Senator from Missouri seemed to imply.

If the Senator from Missouri will look at this pamphlet he will find on page 2 that in Austria in 1924 the Government was authorized to increase the duty under certain conditions. In 1926 in the same country the Government was authorized to amend duties under certain conditions. In Belgium in 1924 the Government was empowered to raise duties under given conditions. In 1926 the Government was authorized to make modification of import duties.

In Chile in 1928 tariff rates were authorized generally higher and the President was authorized to increase rates under given conditions. In Cuba in 1926 the Executive was empowered to adjust the rates. In France in 1926 the Government was empowered to increase duties.

In Germany in 1922 the Government was authorized to increase duties for specific periods.

In Hungary in 1926 the Hungarian ministers of finance and commerce were empowered to increase rates.

In Italy in 1926 the Ministers of Finance, Foreign Affairs, and International Economy, and the head of the Government, were empowered to increase duties. And a long list of duties were increased.

In the Netherlands in 1925 there was a general tariff revision, under which the Government was given authority to make other increases over and above those made by the legislature.

In Peru in 1926 the Executive power was authorized to increase duties under given conditions.

In Poland in 1927 the Government was authorized to increase duties under certain conditions.

In Spain in 1928 the Minister of National Economy was authorized to modify duties.

In Switzerland in 1923 a decree authorizing Federal council to increase duties was validated.

In Uruguay in 1923 general authority was given to sectional committees to increase valuations.

So that the Senator from Missouri is not exactly correct when he states that no such power is given in any other country.

Mr. HAWES. Mr. President, the Senator from Michigan has read a list of countries where the power to increase tariff duties under certain circumstances has been delegated to some official of the government, but the situation which we are discussing is an entirely different one.

Mr. COUZENS. I wish the Senator would explain how.

Mr. HAWES. I shall be glad to explain it. In this country a commission is first appointed by the President of the United States, the commissioners being selected by him.

In a case tried before the Supreme Court by Mr. BECK the President's power of removal has been upheld. So the commission which has to do with the raising or lowering of general tariff rates is one which he may appoint, which he may direct, and whose members he may remove. There are qualifications in each one of the cases, the Senator has mentioned, I submit, but under the flexible-tariff provision the broad power exercised by Congress is delegated to the Executive.

Mr. COUZENS. Mr. President, will the Senator from Missouri yield to me?

Mr. HAWES. Yes.

Mr. COUZENS. I have pointed out to the Senator that in other countries in many cases it is not necessary to have the interposition of a commission, but that the executive himself is authorized to make the changes.

Mr. HAWES. To increase the tariff.

Mr. COUZENS. To increase the tariff. The Senator objects to decreases but he does not object to increases; is that correct?

Mr. HAWES. No; the power conferred on our President is much greater than the power conferred in other countries. I

assume that in other countries the executive is directed, under certain circumstances, which are very clearly outlined, to increase duties, but our President is given the power to increase or decrease any rate.

Mr. COUZENS. The President has that power under a certain rule which the Congress lays down. Certainly there is no difference, except the interest of the public is better protected, if our President, through the commission, is permitted both to decrease and increase rates. The Senator from Missouri is pointing out that there is some objection to a president or a government having authority to decrease rates, but that there is no objection to their having authority to increase rates.

Mr. HAWES. Mr. President, I think the Senator from Michigan will find that the power delegated to the President is not given to the ruler of any other government, as I have previously said, in the broad sense that we propose to give it now or in which we have given it in the past. We have found, for instance, in the sugar case where the commission wanted to act, the Executive refused to permit them to act. I think the Senator has in mind certain specific increases under conditions which may arise relating to foreign commerce or international relationships or to the agreements. In such cases certain power is delegated to some executive, but not the broad powers that are given to the President in conjunction with a commission appointed by him, and which may be removed by him.

Mr. COUZENS. In the cases to which I referred there are no strings attached, no restrictions on the executive except the rules which are laid down by the legislative bodies of the respective governments. The power is not anywhere nearly so restricted in some of these cases as it is restricted in the case of the President of the United States, having the right to raise or lower duties to the extent of 50 per cent.

Mr. HAWES. Let me ask the Senator if he thinks there is any authority in the English Government, in the French Government, or in the German Government to exercise a power similar to this or as broad as this?

Mr. McKEILLAR. Mr. President, if the Senator from Missouri will yield to me, I was going to call his attention to the specific power granted to Congress under our Constitution to lay and collect taxes. There is, however, no such power given to the President of the United States. In the case of Austria, Belgium, China, Czechoslovakia, Denmark, France, Germany, the United Kingdom, and various other nations no such limitation is provided in their constitutions. Under the constitution in Great Britain I imagine the King could be given the right to lay taxes, and it would be constitutional; there would not be any question about its being constitutional, but here we have a constitutional inhibition against the President laying and collecting taxes.

Mr. COUZENS. The Senator from Tennessee, of course, knows that the Supreme Court decided in favor of the constitutionality of granting this power to the President; and, not only that, but the Senator from Missouri never mentioned the constitutionality of the provision; he merely directed our attention to the question of policy.

Mr. HAWES. I will say to the Senator that to anybody who has studied the Supreme Court decision it is very clear that it relates solely to the power of Congress, to an expression of opinion upon the part of the Congress; that it is a very doubtful decision at most, and Mr. BECK, whom I have quoted before, on the floor of the House stated his belief that when the question shall again be presented there will, perhaps, be a different decision rendered by the court.

Mr. TYDINGS. Mr. President, will the Senator from Missouri yield to me there?

Mr. HAWES. I yield.

Mr. TYDINGS. I should like to point out to the Senator from Michigan that in many foreign countries the government itself is a member of the legislature. For example, the Prime Minister of England is a Member of Parliament and the Senator will find that that is true of most European countries; so that the government is a legislative agency, and the King himself has the power to which reference is being made.

Mr. COUZENS. I also pointed out a number of cases where certain ministers and certain presidents were given the authority, irrespective of whether the government was a member of the legislative body.

Mr. TYDINGS. But the ministers were members of the legislative body, and that presents an entirely different situation than one where the executive has nothing to do with the legislative body. The two cases are not analogous at all.

Mr. COUZENS. I do not see the distinction made by the Senator from Maryland, because when the power is given to a man it does not matter whether he is a member of the legislature or not, so long as he has the power.

Mr. TYDINGS. But the Senator from Michigan took the Senator from Missouri to task because the Senator from Missouri said that no king or potentate had the power which the President of the United States has in this regard. Then the Senator from Michigan read from a document showing what has been done in England, Holland, Germany, France, Italy, and Austria, where in most cases the Prime Minister is an elected member of the legislature and is not the executive at all.

Mr. COUZENS. I am sure the Senator did not hear what I said—

Mr. TYDINGS. I listened to the Senator's remarks.

Mr. COUZENS. Because I did not mention England at all; there is nothing in the statement to which I referred about England.

Mr. TYDINGS. What country did the Senator mention?

Mr. COUZENS. I mentioned Cuba, for instance, where the conditions are identical with those in this country. The President of Cuba is not a member of the legislature, and yet he has the power to raise rates.

Mr. TYDINGS. But the President of Cuba in doing so acts under a treaty negotiated with the United States, which is an entirely different matter.

Mr. COUZENS. Oh, no; the treaty with the United States has nothing whatever to do with the power which he exercises.

Mr. TYDINGS. I think if the Senator will look into it he will find that it has.

Mr. COUZENS. No; not at all.

Mr. ROBINSON of Arkansas. Mr. President, with respect to the question before the Senate, the amendment proposed by the Senator from Oregon [Mr. STEIWER], let me add to what I said a few moments ago, that under section 618 of the pending bill, which is not questioned, the Secretary of the Treasury—

If he finds that such fine, penalty, or forfeiture was incurred without willful negligence or without any intention on the part of the petitioner to defraud the revenue or to violate the law, or finds the existence of such mitigating circumstances as to justify the remission or mitigation of such fine, penalty, or forfeiture, may remit or mitigate the same.

The only effect of the amendment now pending is to give the court a more restricted power than is given to the Secretary of the Treasury. If the amendment prevails the court may impose no penalty, if the defendants prove to the satisfaction of the court that they did not know and by the exercise of reasonable diligence could not have known of the violation of the law. For the life of me I can not see how any man fairly interpreting the amendment can suggest that as being an invitation to the owners or masters of vessels to import opium.

The penalty is still to be enforced against the master or owner unless one or the other can prove that neither of them knew of the violation of law or by the exercise of due diligence could have prevented it, in which case the Secretary of the Treasury would have the power in any event to remit the penalty. My thought is that it is fair and just to give the court trying the case the power under those circumstances. For that reason I adhere to the position first taken, with no intention or desire whatever to relax any fair restriction against the importation of opium. If this amendment is not agreed to the Secretary of the Treasury can remit the full penalty or can mitigate the penalty, but the court will have no power to do so unless the amendment shall be adopted. I think it is a just amendment and ought to be agreed to.

Mr. HOWELL and Mr. McKELLAR addressed the Chair.

The PRESIDENT pro tempore. The Senator from Nebraska.

Mr. HOWELL. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Frazier	King	Shortridge
Ashurst	George	La Follette	Simmons
Barkley	Gillett	McKellar	Smoot
Bingham	Glenn	McMaster	Steiwer
Black	Goldsborough	McNary	Stephens
Blease	Gould	Metcalf	Swanson
Borah	Greene	Moses	Thomas, Idaho
Bratton	Hale	Norbeck	Thomas, Okla.
Brock	Harris	Norris	Townsend
Brookhart	Harrison	Nye	Trammell
Broussard	Hawes	Oddie	Tydings
Capper	Hayden	Overman	Vandenberg
Connally	Hebert	Patterson	Wagner
Couzens	Heflin	Phipps	Walcott
Cutting	Howell	Pine	Walsh, Mass.
Dale	Johnson	Pittman	Warren
Dill	Jones	Reed	Waterman
Edge	Kean	Robinson, Ark.	Watson
Fess	Kendrick	Sackett	
Fletcher	Keys	Sheppard	

Mr. NORRIS. I desire to repeat the announcement I made on the former roll call as to the absence of the Senator from Arkansas [Mr. CARAWAY], the Senator from Wisconsin [Mr. BLAINE],

the Senator from Indiana [Mr. ROBINSON], and the Senator from Montana [Mr. WALSH].

The PRESIDENT pro tempore. Seventy-eight Senators having answered to their names, a quorum is present.

The question is upon agreeing to the amendment proposed by the Senator from Oregon [Mr. STEIWER].

Mr. STEIWER. Mr. President, I feel that I may be able to clear up some little misunderstanding concerning the effect and purpose of this amendment if I add one or two observations to what has already been said by the Senator from Arkansas [Mr. ROBINSON].

This amendment does not change the primary obligation or duty of the shipowner or the master. It does not affect the penalty. It does not subtract from the degree of diligence which the owner or master must exercise in order to be exonerated. Those Senators who have examined this amendment and who are familiar with the law—not only the present law but section 584, as amended, section 594, and section 618—I am very certain will agree with me that the proposed amendment does not in any way weaken the law against the importation of opium.

It ought to be needless for me to say that I have no desire to weaken the law in that respect. It certainly ought to be assumed by Senators here that the Senator from Arkansas [Mr. ROBINSON] has no such desire. No one that I know on the floor of the Senate would desire to weaken the law. The law will stand as it is written. The penalties against both owner, master, and ship will still exist. The only effect of the proposal is to create an additional forum in which an innocent ship operator may present his case.

I desire to read, Senators, again the language that was read by the Senator from Arkansas.

In section 618 of the present law, a section which is in the existing statute and which has been spoken of with approval by a number of Senators who discussed this matter in the previous debate, we find that the shipowner—indeed, any person interested in the penalty—may appeal to the Secretary of the Treasury; and it is provided that if the Secretary of the Treasury finds that such fine, penalty, or forfeiture was incurred—

Without willful negligence or without any intention on the part of the petitioner to defraud the revenue or to violate the law, or finds the existence of such mitigating circumstances as to justify the remission or mitigation of such fine, penalty, or forfeiture—

He—

may remit or mitigate the same upon such terms and conditions as he deems reasonable and just, or order discontinuance of any prosecution relating thereto.

Mr. President, this provision of the law vests in the Secretary of the Treasury a very wide discretion. It would seem to me, as I examine this section, that if the Secretary finds there are mitigating circumstances, he may then make full remission or partial remission of the fine. There is no standard in the present law to determine his conduct; there is no rule laid down for his guidance; and if he wants himself to weaken the law or to be liberal in his construction, there is nothing to prevent the extension by him of the utmost generosity, not only to the innocent man but to the guilty man as well.

It has seemed to me that there ought to be a more definite standard than that; that somewhere there ought to be a rule of conduct; that it is better, both for the enforcement of the law and for the protection of our people, that there should be such a standard, and better, of course, for the honest, law-abiding shipowner and master who has made a bona fide effort to comply with the law by keeping narcotics out of the country.

It happens that in the administration of the law sometimes a libel in rem is brought against a ship. A libel in personam might lie against the owner or the master. In many cases there would be neither action. That is to say, there would be no proceeding in court at all; and in that case the matter would rest squarely between the accused person, the owner or the master, and the Secretary of the Treasury. In those cases there is no necessity for any further provision of law; but in some cases there are bound to be proceedings brought in the courts in which the Government of the United States would seek to libel the ship or seek to bring his libel in personam against the owner and master for the collection of a penalty. The only possible effect of the amendment I have offered is to vest in the court in those cases a jurisdiction to do substantially the same thing that the Secretary of the Treasury may do in those cases where there is no court proceeding, except that in the cases that are brought in the courts, where the courts would exercise the jurisdiction thus conferred, there is a rule

of conduct laid down. The court is not permitted, in his discretion and as a matter of liberality, or merely because he might deem it just, or merely because he might find that there are mitigating facts in the case, to remit the fine. He can remit the fine only in case there is a showing before him in court to the effect that the owner did not know, and that the master did not know, and that neither of them by the exercise of reasonable diligence could have known, that the narcotic was being brought into the country.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from Arkansas?

Mr. STEIWER. I shall be glad to yield.

Mr. ROBINSON of Arkansas. This amendment plainly imposes the burden of proof on the master and owner; and the one charged must prove not only that he did not know and could not have known by the exercise of due diligence but that neither of them knew or could have known. If either of them knew they are both liable.

Mr. STEIWER. That is correct, I think. I thank the Senator for his contribution to the discussion.

Mr. HOWELL. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from Nebraska?

Mr. STEIWER. I yield.

Mr. HOWELL. I desire to ask the distinguished Senator from Arkansas if it is not a fact that every owner of a vessel can prove that he knew nothing about any importation by a particular crew? There is no difficulty about that. We would never be able to hold the owner of a vessel under such circumstances. He could say, "I knew nothing about it; I should be relieved," and under this amendment he would be relieved.

Mr. ROBINSON of Arkansas. If he discharges the burden of proof, and establishes the fact that he did not know, and by the exercise of due diligence—that is, by taking such precautions as the regulations of the Treasury Department require and contemplate, and as the law contemplates—he could not have known, for my part I have no disposition to penalize him. If he neither did wrong nor could have prevented the wrong that is complained of, I do not know why anybody should want to penalize him.

Mr. HOWELL. How could it be shown that they did not exercise diligence when the very officers and crew responsible for the importation of these articles will be the witnesses to prove that due diligence was exercised? We never will get a vessel or an owner under this amendment. Its whole purpose is to relieve the owner. That is all there is to it.

Mr. BORAH. Mr. President, may I ask the Senator from Nebraska a question, with the permission of the Senator from Oregon?

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from Idaho?

Mr. STEIWER. Yes; I am glad to yield, Mr. President.

Mr. BORAH. The amendment says:

If it appears to the satisfaction of the court that neither the master nor the owner knew, and could not, by the exercise of reasonable care and diligence, have known—

The court must determine for itself whether or not the master knew, or could have known by the exercise of reasonable diligence. Must not the master himself furnish the evidence to satisfy the court?

Mr. HOWELL. Mr. President, here is a freighter coming into port. There is not a passenger aboard. The officers and crew are the only ones aboard. They may be the ones who are importing the narcotic, and they would be the witnesses brought before the court. How could the Government ever prove that there was laches on board the ship? It could not do that.

Mr. BORAH. But the burden is upon the master to prove it.

Mr. HOWELL. The master can bring forward his officers and have them swear as they did in the case of the half ton of opium that was brought into this country by the Dollar Steamship Line. Every one of them said they took every care; but what was the fact? Why, they allowed their seamen to come aboard the vessel at a gangway with no one on guard, and they could bring aboard a satchel full of opium at any time.

This half ton of opium was handed in through the porthole, in part. They could say, "We exercised due care. Of course, we have to have our portholes open." But they could have somebody to guard the portholes. The witnesses by whom the captain would prove that he had used due diligence would be the very persons who might be the beneficiaries of the importations. The practical conditions on board ship would, under this amendment, make it impossible to hold an owner.

Mr. BORAH. Mr. President, I am asking these questions only for information, not in the way of argument at this time. When it is provided by the law that the court must be satisfied that the party was not guilty or that he had exercised reasonable diligence in regard to the matter, does it not seem a little bit un-American, we providing the tribunal, which is the judiciary, to determine whether a man is guilty, to say that for fear our tribunal is inefficient, we will presume that the man is guilty and not permit him to prove that he is not?

Mr. HOWELL. Mr. President, the Secretary of the Treasury is given authority, in another section of this bill, to relieve the owner, the vessel, and the master of this fine if the circumstances are such as to justify it. I am not arguing for an amendment absolutely hard and fast. I am simply arguing for an amendment that is asked for by the Treasury Department, because they have failed to stop these importations of opium, and if this amendment is agreed to there will be no stop-gap as the result. This will relieve the owner as much as the present law relieves the owner, and the Treasury Department has held in the past that the owner was liable, but, by a decision of the Attorney General, the owner was held not to be liable.

Mr. STEIWER. Mr. President, I wish I could agree with the distinguished Senator from Nebraska with respect to his interpretation of not only the amendment but of the related law. I have examined these provisions of the law too thoroughly, and know the provisions too accurately, to be permitted to agree with the Senator, however.

The Senator has made the statement that if this amendment shall be agreed to, no owner will be held. I do not know what he bases that statement on. The only serious violations of the law that have occurred so far have been by the Dollar Line. In the North Pacific lines I know of practically no violations of the law. The smoking opium comes from the Orient, of course. The normal manner of importation is by those ships passing trans-Pacific from China. The ships of the Dollar Line, in the main—not entirely, but many of them—are the faster and better ships which carry passengers. The freight lines are not serious offenders. So, as a practical matter, it is not a question so much of getting after the freight lines and the operators of the freight lines; it is a matter of getting after those passenger ships which have been calling in the port of San Francisco.

I want to say to the Senator that when the customs officials find that opium is on board, or has been unladen, they can, under my proposal, immediately proceed against the owner, master, and ship, and all would be held liable to the extent of \$25 an ounce unless they could prove to the satisfaction of the court not only that they did not know it, but they must then prove, both master and owner, to the satisfaction of the court that, by the exercise of reasonable care and diligence, they could not have ascertained the facts.

Mr. BLEASE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from South Carolina?

Mr. STEIWER. I want to finish this thought, and then I shall be happy to yield.

In that case, if portholes were left open and satchels and packages and large quantities of opium were brought in, in the instances, as cited by the Senator, where a half ton of opium, or when some great quantity was brought in, the court could never conclude rightfully that in that case the owner did not know and the master did not know, and that neither of the two could, by the exercise of reasonable diligence, have known.

Let us assume a little different case. Let us assume that a member of a crew takes an ounce of opium and sews it up under the hem of his coat or the hem of his shirt or the braid of his sleeve, as the Senator from South Dakota suggested a while ago. In that case the owner might not know, and the captain might not know, even though they were the best and most law-abiding citizens of the Republic, and in that case I hold, with my idea of American jurisprudence and American justice, that those men—that is, the master and the captain—should not be held criminally liable for a crime that was committed not only without their connivance or knowledge but was committed beyond their ability to prevent or their ability to ascertain or their ability to have knowledge. That really is all there is involved in this amendment.

If the Senator from South Carolina will permit me to go just a little further, there is really nothing involved in this amendment save an effort to give to the courts in those cases in which the proceedings are brought in rem or in personam the jurisdiction to do, within limits—not the whole thing, but to do within limits—what the Secretary of the Treasury is permitted to do in any other case that is not brought in the courts. It is up to the Secretary of the Treasury; it is up to the customs officials; and let me suggest this to the Senator from Nebraska, that it

is up to the customs officials in every case, whether they libel the ship or not. The owner can not determine that; the captain can not determine that; and yet if it is felt that the United States can not get justice in the United States courts, or that any improper benefit will inure in behalf of the captain or master, the United States officials do not have to libel the ship, but they can proceed by personal collection of the debt, and, by their own election, compel the innocent defendant, the owner or master, to appeal to the Secretary of the Treasury.

Now I yield to the Senator from South Carolina.

Mr. BLEASE. Mr. President, I would like to ask the Senator if he does not think that the Treasury officials, who have had experience with these people, who know something of their methods and something of their way of handling these matters, are not better judges of this matter than a judge would be, who probably would have one of these cases possibly in a lifetime, or perhaps only one a year?

Of course, the Senator knows, and so does the Senator from Arkansas, that I would not impute to them for a moment, and I have not the slightest idea, that they would let an amendment go in which they believed would encourage this trade. But sometimes things are used differently from the way in which we intend they shall be used.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Oregon yield to me to answer the Senator from South Carolina?

Mr. STEIWER. Certainly.

Mr. ROBINSON of Arkansas. That is exactly where I can not concur with the Senator from South Carolina. The determination of the question raised is essentially a judicial function. It is a legal question, and, under the American system, it is triable by a court. I prefer to have a court try the issue to having it tried by merely administrative agents.

Mr. BLEASE. Then, Mr. President, if that is true—and I take the Senator's word for it—does not the Senator think we should go further and carry out the Constitution of the United States by giving every man charged with crime the right to a trial by jury instead of by a judge?

Mr. ROBINSON of Arkansas. I think, so far as the Constitution is concerned, any man can demand such rights as the Constitution grants him, and neither the Congress nor any agency of the Congress can deprive him of such rights. So far as trial by jury is concerned, Congress can not take that away, and I do not think we have attempted to do so. Here it is merely proposed that we shall give to a court a part of the power we have willingly given to the Secretary of the Treasury, and if it were necessary to say that only one of them should exercise the power, that either a court or the Secretary of the Treasury alone must pass upon the question of the guilt or innocence of a man, I would prefer to leave it to a court. I am entirely content that the Senate shall take whatever action it chooses regarding the pending amendment, but I think it is a just and proper one.

Mr. BLEASE. Mr. President, I would like to ask the Senator from Oregon this question: Is it not a fact that, as the law now stands, it has been working very well; and if so, why open this loophole to the opium dealer and make it easier for him?

Mr. STEIWER. Mr. President, I am delighted the Senator has asked that question, because it gives me the opportunity to say something I wanted to say a while ago.

Under existing law, which the Senator says has worked so well, the common carrier is not liable at all, but by section 594 is absolutely exempted from liability.

This amendment, and other amendments adopted in the pending tariff bill, strengthen the present law immeasurably, and when the distinguished Senator stated a little while ago that he had studied this question, I could not help reflecting—and I say this wholly without offense—that although he undoubtedly has studied the general question of the baleful effect of narcotics upon the human system, he certainly has not studied the statutes with which we are now concerned, or he would not have made the statement he did make a little while ago.

On the contrary, if this amendment is adopted, with amendments already adopted it will place upon the common carrier a liability—the private carrier has already been made liable—which did not heretofore exist, and will give it what I think is just and American, namely, the right to go into the court in which a ship is being libeled, and, if the owner is honest, law-abiding, diligent, and careful, and can prove to the court that he is an innocent man, he will be relieved from the penalty.

Mr. BLACK and Mr. BLEASE addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Oregon yield; and if so, to whom?

Mr. STEIWER. I yield to the Senator from Alabama.

Mr. BLACK. If this amendment shall be adopted, will the Secretary of the Treasury still have the right to relieve a ship from condemnation?

Mr. STEIWER. I do not know that I could make a legally correct answer to that. I would answer that I believe he would, and that the practical effect of the matter would be that in those cases in which a proceeding in rem was brought against a ship, the determination would be made by the court, but that otherwise it would be made by the Secretary of the Treasury, just as has been done under existing law, as exhibited in section 618. That is merely my opinion.

Mr. BLACK. I would like to state that in reference to that I am in thorough sympathy with this amendment. I am opposed just as vigorously to leaving any such power with the Secretary of the Treasury. I believe the proper place to try out a question of this kind is before a court. I understood that some one said that under this amendment there could be no condemnation. I gathered that that statement had been made.

The law of Alabama with reference to condemnation of automobiles provides that if the owner of an automobile can show that he had exercised reasonable diligence to ascertain the purpose for which his automobile was to be used, and could not ascertain that it was to be used for hauling intoxicating liquors, his automobile shall be exempt from condemnation. Automobiles are condemned in Alabama every day. It is not impossible at all to condemn an automobile, and they use exactly this method of condemnation.

I would like to call attention further to this fact, that under the old smuggling laws with reference to liquor, the owner of an automobile could have been condemned whether he knew the purpose for which it was to be used or not.

The much abused Volstead Act came along and liberalized that provision, and to-day under the Volstead Act the owner of an automobile can have it exempted from condemnation if he can show that by the exercise of reasonable diligence he could not have ascertained that it was to be used for hauling intoxicating liquors.

I am thoroughly in sympathy with the method of procedure provided by the amendment. I hope, however, that some one will suggest another amendment to take away from the Secretary of the Treasury the right to set aside, as I might term it, the verdict of a jury or the judgment of a court. My opinion is that the Senator has hit the American method of providing for the condemnation. Give the man a chance to be heard in court, and then if he has exercised reasonable diligence the Government will not be allowed to condemn the vessel in which the opium might have been transported. The court is the proper one to try it and not the Secretary of the Treasury or a bureau. It is the same old story of leaving it to a bureau or an officer of the Government to hear the matter behind closed doors, when the proper place to hear it is before a court. I agree thoroughly with the Senator from South Carolina [Mr. BLEASE] that if a man wants a jury he should have a jury.

Mr. HOWELL. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from Nebraska?

Mr. STEIWER. I yield.

Mr. HOWELL. I think it must be very clear what procedure should be followed. The steamship company would first go to the Secretary of the Treasury to try to be relieved, and when the Secretary of the Treasury said, "No; your violations are constant and we know from the results that you are not taking proper care and using proper diligence," then the steamship company could say, "Very well; we will go to the courts." That is what is intended.

Mr. STEIWER. Mr. President, I do not see how it is possible for the Senator from Nebraska seriously to urge that the procedure should be as he just now suggested. We must know that whenever opium is found on board a ship the initiation of a proceeding lies with the Federal agents. Customs officials will determine it, no doubt after consultation with the Department of Justice. When they make their determination they will then proceed under that determination. I confess I have never heard of a case, either in the enforcement of the liquor law or the narcotic law, or any place else where the legal representatives of the Government find it necessary to go to a defendant and ask how they should proceed against him. Of course, the customs officials will bring the case before the Secretary of the Treasury if they want it there, or they will bring it in court for a libel in rem if they want it there. It seems to me—and I say it in all friendliness to the Senator from Nebraska—there can be no other construction of the law.

Mr. HOWELL. The opium is found, the fine is levied, and the steamship company then determines what course it will

pursue. The most natural course in the world would be to appeal to the Secretary of the Treasury and ask for relief under section 618. Failing there, the steamship company under the amendment could say, "Very well, Mr. Secretary, we will contest this fine in the courts." That would be the procedure.

Mr. BROOKHART. Mr. President—

Mr. STEIWER. I yield to the Senator from Iowa.

Mr. BROOKHART. I desire to ask the Senator from Oregon if the procedure is not substantially as the Senator from Nebraska has stated it? Suppose the law should stand as already amended; would not that be the procedure—first, that a libel would be put on by the customs officials, and then there would be an appeal to the Secretary of the Treasury?

Mr. STEIWER. Not under existing law. I assume the Senator refers to the provision as previously amended in the consideration of the tariff bill?

Mr. BROOKHART. No; I was referring to the proposed amendment as we have already amended it, but not with the amendment now pending adopted.

Mr. STEIWER. Under that provision it would be in the power of the customs officials to determine whether they would assess a fine or proceed in rem.

Mr. BROOKHART. Have they any discretion about it? Should they not be required by mandatory provision to put on a libel when they discover any opium?

Mr. STEIWER. I do not know that I would say that. We have always given to the Department of Justice and to our law-enforcement officials some little discretion as to whether they shall proceed in one way or the other. There are so many differences in crime. It may be an ounce or gram or it may be 100 pounds involved. I think the question whether the crime is or is not enormous or slight in its moral turpitude might determine very properly just exactly how the law-enforcement officials should proceed.

Mr. BROOKHART. It seems to me it ought to be mandatory as to the first move. Then if we are going to court at all there ought not to be any intervening administrative court.

Mr. STEIWER. I would have no objection to making it mandatory, because I agree with the Senator from Alabama [Mr. BLACK] and the Senator from Arkansas [Mr. ROBINSON] that it is better to have these things threshed out in court where the proceedings are public, where a record is made of the testimony, where the facts are determined by a judge appointed by the President of the United States and confirmed by the Senate presumably by reason of his ability, and not have it determined privately and quietly in a back room by some subordinate clerk in the Treasury Department.

Mr. BROOKHART. Then, can the Senator's amendment be modified so it will be mandatory and the only appeal will be to the court under the conditions as he has described them?

Mr. STEIWER. I would think from the structure of the law that the proposal I am now offering could not be modified. The related portions of the law could be modified. I do not believe I have ingenuity enough to know just how to modify it.

Mr. BROOKHART. Can it be included in the Senator's amendment?

Mr. STEIWER. If the Senator can state just how it can be done without leaving a scrambled-egg effect, I would be very glad to consider it.

Mr. BROOKHART. I have not made a sufficient study of the question to suggest it at this time without further thought.

Mr. STEIWER. I would be unwilling to put it into this proposal, but this is all one clause. It could be done by a provision at the end of the section or in some other way.

Mr. SHORTRIDGE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from California?

Mr. STEIWER. I yield.

Mr. SHORTRIDGE. I have not had the benefit of hearing read the proposed amendment or all the remarks of the Senator from Oregon. We all agree that no punishment can be too severe for any person or any corporation guilty of contributing to, aiding, or abetting, directly or indirectly, the importing or smuggling into our country these deadly drugs. If I understand the contention of the Senator from Oregon it is that if the individual or the owner of the vessel is accused of importing or smuggling these noxious, deadly drugs he should be proceeded against by the Government and that the individual or the ship-owner shall have an opportunity to prove if he can that he is not guilty. If that be the position of the Senator it would seem to me to be sound. In other words, if anyone is accused of this crime he should have an opportunity to plead to that charge, and I agree that he should have that hearing in a court rather than be condemned without a hearing and then be relegated to a

department here in Washington to establish, if he can, his innocence of the charge.

Have I correctly indicated the position of the Senator from Oregon?

Mr. STEIWER. Yes; in substance.

Mr. GOLDSBOROUGH. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from Maryland?

Mr. STEIWER. I will yield in just a moment. I want to make a brief statement in response to the Senator from California.

I thank the Senator from California for his observations. In addition to that, under the law as we amended it at some previous time when the matter was before the Senate for consideration we established the right of the customs officials to bring a proceeding in rem against the ship. The defendant naturally has no election as to where that shall be done. That election is made by the United States Government.

When that action in rem is brought against a ship under the law as we were arranging it, there was no jurisdiction in the court to consider any plea of any kind at all in behalf of the innocence of the accused owner or master. The jurisdiction was simply lacking. We provided that if opium were found on a ship, the penalty should attach. The only thing the United States Government would be obliged to prove in that case would be that opium had been found on board ship and that it had not been listed in the manifest. If that were true, the case would then be closed and judgment would be entered against the owner and the master, and it would not make any difference how jealous he had been of his honor and how zealous he had been of the Government's interest or what degree of diligence he might have exercised, he would not then have the opportunity and the court could not permit him to set that up as a defense either in whole or in part.

The only purpose of the proposal I am now bringing to the Senate is to enable the owner or the master when he is accused to present to the court proof of the claim of his innocence and that he did not know and could not by the exercise of reasonable diligence have known of the presence of opium on board the ship.

This is a right, as has been heretofore explained, which exists even in greater degree in those cases where the Government elects to let the matter be settled as a tax penalty between the Secretary of the Treasury and the owner or master. It exists there in greater degree, and it seems to me no harm can come in the enforcement of the law if we allow the lesser degree of jurisdiction to the United States court to do that which the Secretary of the Treasury might do in those cases which are not brought into court.

I may say in addition that, as the Senator well knows, for centuries it has been the policy and practice in our courts that when jurisdiction attaches for one purpose, it inures for all purposes. We have followed that rule in our courts of equity and it has always been regarded as a just and proper way of procedure. It saves expense to litigants and it simplifies the business of the courts, and gets away from unending, interminable discussion and litigation. We merely propose here to permit the court which takes jurisdiction for one purpose to determine the whole thing openly, to determine the whole thing under process of law. I can not see how any Senator seriously can argue that that relaxes the enforcement of laws against the importation of narcotics.

I am glad now to yield to the Senator from Maryland.

Mr. GOLDSBOROUGH. Does the exception clause apply only to the lien that may be laid against the boat, or does it apply also to the owner and master? It reads:

And the vessel shall not be held subject to the lien if it appears to the satisfaction of the court that neither the master nor the owner knew, and could not, by the exercise of reasonable care and diligence, have known, that such smoking opium or opium prepared for smoking was on board.

What relation does that have to the master or owner of the vessel?

Mr. STEIWER. My construction is that the exception as provided in the amendment is applicable only to the lien upon the ship.

Mr. SWANSON. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from Virginia?

Mr. STEIWER. I yield.

Mr. SWANSON. I want to suggest an amendment to the amendment of the Senator. The amendment limits the knowledge and reasonable diligence and care to the master and owner.

The owner is usually in New York or some place else. The operation of a vessel is left entirely to the master. I suggest that this amendment be made to the Senator's amendment, and then it seems to me there will be no objection to it, so it would read:

That neither the master nor the owner nor the employee knew—

And so forth.

When the employee of an automobile owner is guilty of negligence the owner of the automobile is responsible. The only thing a master of a vessel would have to do would be to prove that he had shown sufficient care in the selection of his employees. The smuggler must have the assistance of some employee to get the opium into the country. It seems to me if we include the master and the owner and the employee it would make the master and the owner more careful in the selection of men of character for their crews. I can not see any objection to it.

Mr. STEIWER. Mr. President, I think if the Senator will reflect upon that he will see that there is a very serious objection to it. The shipowner exercises diligence when he employs a competent and law-abiding and diligent master, but often in foreign ports it is necessary to supplement crews, and I do not believe that, in justice to the owner or to the master, they should be held liable for some criminal masquerading as an honest man who seeks employment on the ship and then violates the law. When knowledge comes to the master or owner that such an employee is a dishonest man or a criminal, of course from then on they might well be held liable for knowledge of the character that might be imputed to such employee, but it seems to me, in the first instance, it would effectually destroy the relief which we seek to give the honest owner and the honest master—and I am interested in no others—if we should also provide that the employee can not have known. I would not want to accept the Senator's suggestion.

Mr. SWANSON. Mr. President, if the Senator will permit me, if the employee of a railroad is guilty of negligence the railroad company is responsible for damages; if the employee of a street-car company is negligent, the street-car company is responsible for damages. It seems to me that the liability ought to be extended further than it is under the Senator's amendment. As I understand, no imprisonment is provided for bringing opium in, but merely a fine.

Mr. STEIWER. That is right. The railroad company is liable for the negligence of the employee if the employee is acting within the scope of his authority, but if the employee of a railroad company leaves his train and goes across the street and kills somebody as a private, personal project, I think no one would argue that the railroad company would be liable.

Mr. SWANSON. But the owner of the vessel is engaged in transportation, and it is his duty to see that in carrying goods nothing is brought into the country which is illegal. I move to amend the amendment by inserting the words "nor an employee," so as to read "that neither the master nor the owner nor an employee," and so forth.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Virginia to the amendment proposed by the Senator from Oregon.

Mr. STEIWER. Mr. President, I hope the amendment will not be adopted. It would, in effect, destroy every purpose that I have sought to bring into fruition in behalf of the innocent owners and masters of vessels.

Mr. BLEASE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from South Carolina.

Mr. STEIWER. I will yield in a moment. It must be remembered that the language which we are talking about is applicable to the lien upon the ship and to the owner and master, and I can conceive a great variety of cases where one engaged criminally in smuggling would have himself hired by the owner or master of the ship and might have knowledge of a crime perpetrated by a coconspirator. When the owner does not know and when the master does not know and can not learn of the criminal purpose of a member of the crew, they ought not to be held liable for his misconduct. Now I yield to the Senator from South Carolina.

Mr. BLEASE. Does not the Senator think that the amendment which the Finance Committee has placed in the pending bill, if finally adopted, will so amend the present law that it will be stronger and afford more protection than if his amendment shall be adopted without the committee amendment reported by the Finance Committee?

Mr. STEIWER. I do not think so.

Mr. HOWELL. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from Nebraska?

Mr. STEIWER. I yield.

Mr. HOWELL. I will wait until the Senator shall have concluded.

Mr. STEIWER. Mr. President, I do not wish to prolong the discussion.

Mr. BLACK. Mr. President, will the Senator yield?

Mr. STEIWER. Let me make one further observation, and I will yield the floor.

Mr. BLACK. I do not want the floor; I merely wish to make a suggestion to the Senator.

Mr. STEIWER. Very well; I yield to the Senator from Alabama.

Mr. BLACK. Mr. President, there seems to be almost a universal sentiment here that these cases should be tried in the courts and in the courts alone. It seems to me, from the arguments which I have heard, that if the Senator's amendment would limit the hearings to the courts probably there would be practically no opposition to it.

I do not care to offer it myself, but I was going to suggest to the Senator that the language on page 447, in line 12, where it reads "may be enforced by a libel in rem," be changed so as to read "shall be enforced in the proper court by a libel in rem," and that then the Senator offer, together with that, an amendment to the section which permits the Secretary of the Treasury to mitigate or remit the fine, inserting on page 470, at the end of the sentence in line 19, where the Secretary of the Treasury is given power to remit the penalty, the words "except that he can not remit or mitigate such fine, penalty, or forfeiture where libel proceedings in rem have been instituted in court under section 584 of this act."

Those two suggestions would, if adopted, do this: They would limit the condemnation proceedings to the court. In that event everything would be heard in the open; the evidence would be heard and could be gathered by the public. It would then provide that the Secretary of the Treasury could not remit the penalties and forfeitures. The Constitution gives the power of remission of penalties to the President, and, in my judgment, it is fundamentally wrong to leave that power to the Secretary of the Treasury or to the Secretary of Commerce. In other words, let the amendment provide that the courts only shall try condemnation cases and that the President only, the Executive selected by the people, shall pass upon remissions and forfeitures.

Mr. STEIWER. Let me suggest to the Senator that I think, in the first place, he has suggested a workable amendment. It is one which has not occurred to me, and I believe it would be a workable means of reaching the object which we have in mind. I do not know that I have any personal objection to it, except that it would place upon the office of the Treasury the mandatory duty to proceed in every case by an action in rem. I have had no opportunity to take that matter up with the customs officials of the Treasury. I do not know that they would deem it advisable. On the contrary, it seems to me that there might be very serious objection to it.

I should like to suggest to the Senator from Alabama this idea: Even though we leave it in discretionary form, as it now is, no harm can come to the fair enforcement of the law, because I think it would follow that the Treasury officials in every case would take that course which would be the most effective for law enforcement.

I know some of the difficulties against which they contend, but I think we all realize that they earnestly make an endeavor to accomplish the purpose which is imposed upon them by the law. It seems to me, Mr. President, that it would be safer to leave their hands untied, at least until we know more about it, than it would for us now here upon the floor of the Senate, without further information, to tie the hands of the Treasury by a mandatory provision in the law.

So, Mr. President, although I have a considerable interest in what the Senator has proposed and believe there is possible merit in it, I would not feel at liberty at this time to agree to his suggestion as to the modification of my amendment. It seems to me that law enforcement is going to be far better off if we merely adopt the amendment as proposed and leave the suggestion of the Senator from Alabama to future consideration.

Mr. ROBINSON of Arkansas, Mr. SIMMONS, and Mr. BLACK addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Oregon yield; and if so, to whom?

Mr. STEIWER. I yield first to the Senator from Alabama.

Mr. BLACK. Mr. President, I want to say that it is not necessary for us to study a long time if we have our minds made up in advance against hearings before bureau chiefs behind closed doors. I fully agree with the Senator's idea of justice, that no man's property should be condemned without a hearing in a court, but I want an amendment offered by the Senator along with it to take away from the Secretary of the Treasury the

right to act as a judge and a jury and also as the authority to remit penalties and forfeitures. Let us have the hearing in a court and not, as the Senator suggests, before some subordinate in the office of the Secretary of the Treasury. I would far rather trust hearings with reference to the remission of penalties in the open than before some bureau chief or his subordinates, with the vast powers that frequently are put into play in order to work an influence. So I say it does not require any study if we have our minds made up against that practice. I am fundamentally opposed to extending any further any authority in bureau chiefs or their subordinates to tamper with the administration of justice. That is what this is. Let the hearing be in a court; let the person charged go into court and present his defense, and then if he thinks the court has done him a wrong and he is entitled to a remission, let him go to the President of the United States, who is the authority intrusted by the Constitution of the United States with the duty of remitting penalties.

Mr. ROBINSON of Arkansas. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from Arkansas?

Mr. STEIWER. I yield.

Mr. ROBINSON of Arkansas. A suggestion has been made by some one near me that perhaps the conclusion of the debate on the Senator's amendment could be hastened if he would indicate his willingness to accept a modification of the amendment to this extent: Modify it so that it will read:

Neither the master nor any other executive officer of the vessel, nor the owner—

Mr. SIMMONS. Mr. President, that is the very suggestion I was going to make.

Mr. STEIWER. I will gladly accept the suggestion, Mr. President, of the Senator from Arkansas.

Mr. ROBINSON of Arkansas. Then I offer the amendment in the language which I have indicated.

The PRESIDENT pro tempore. The pending amendment is that offered by the Senator from Virginia to the amendment of the Senator from Oregon. Does the Senator from Virginia withdraw the amendment to the amendment?

Mr. SWANSON. Mr. President, I would rather put some teeth in this provision. As it is, there is no imprisonment provided but merely a fine.

The PRESIDENT pro tempore. The Chair will suggest that the Senator from Oregon has a perfect right to accept the modification of his amendment without a vote.

Mr. SWANSON. I have no objection to the Senator from Oregon modifying his amendment as proposed by the Senator from Arkansas, but I hope the Senate will insert the word "employee" also in the amendment.

Mr. BARKLEY. Mr. President, I should like to ask the Senator from Virginia a question, if the Senator from Oregon will yield to me for that purpose.

Mr. STEIWER. I yield the floor, Mr. President.

The PRESIDENT pro tempore. Before the Senator from Oregon yields the floor the Chair wishes to understand clearly if the Senator from Oregon has modified his amendment by accepting the suggestion made by the Senator from Arkansas?

Mr. STEIWER. I understood from the ruling of the Chair that I was permitted so to modify the amendment, and I intend to do so. I now accept the proposal of the Senator from Arkansas as a modification of my amendment.

The PRESIDENT pro tempore. Very well. The question is upon agreeing to the amendment proposed by the Senator from Virginia to the amendment proposed by the Senator from Oregon, as modified.

Mr. LA FOLLETTE. Mr. President, may we have the amendment as it has now been modified read at the desk?

The PRESIDENT pro tempore. The Secretary will state the amendment as modified.

The LEGISLATIVE CLERK. On page 447, in line 12, before the period, it is proposed to insert a semicolon and the following:

Except that the master or owner of a vessel used by any person as a common carrier in the transaction of business as such common carrier shall not be liable to such penalty, and the vessel shall not be held subject to the lien, if it appears to the satisfaction of the court that neither the master nor other executive officer of the vessel nor the owner knew, and could not, by the exercise of reasonable care and diligence, have known, that such smoking opium or opium prepared for smoking was on board.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Virginia to the amendment of the Senator from Oregon as modified.

Mr. ROBINSON of Arkansas. The Senator from Oregon accepted the amendment, did he not?

The PRESIDENT pro tempore. The Senator from Oregon accepted the modification, as the Chair understands, and the question now is upon the amendment of the Senator from Virginia to the amendment of the Senator from Oregon, as modified.

Mr. HOWELL. Mr. President, does the Senator from Virginia withdraw his amendment?

The PRESIDENT pro tempore. The Chair understood the Senator from Virginia to insist upon a vote upon his amendment.

Mr. HOWELL. Mr. President, the term "executive officers" sounds broad, and yet I doubt if the court would hold that those who held warrants on board ship—that is, petty officers—would be included in this term. Therefore I suggest that possibly the Senator from Oregon will accept the addition of the words "other executive and warrant officers."

Mr. STEIWER. Mr. President, I confess that I do not know the functions and duties of a warrant officer on a merchant ship. It is a term well understood in the navies of the world. If "warrant officer" means a man who is performing any executive function, then in that case I should be very happy to accept that further modification. The trouble with the matter is that I do not know that it means that. If the Senator from Nebraska can enlighten me, it might be of assistance.

Mr. SMOOT. Mr. President, may I suggest to the Senator that that word being in the amendment, before the conferees agreed to the amendment they would find out whether there is such an office, and what the responsibility of the officer may be. I do not see, therefore, why the Senator can not accept the amendment.

Mr. STEIWER. With that understanding, I will accept the proposal made by the Senator from Nebraska.

Mr. HOWELL. Mr. President, while that somewhat betters the amendment, the fact is that an attempt is being made to take the teeth out of this law. The Dollar Steamship Line's representatives have been here for some time. One has but to know the conditions on board ship to realize that although the proposal to refer the matter to the court sounds plausible, it would practically nullify what was proposed by the Secretary of the Treasury, and included in the House bill, namely, to make the owners of vessels responsible for the smuggling of opium into this country.

There are two classes of vessels bringing in opium.

Mr. BARKLEY. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Kentucky?

Mr. HOWELL. I do.

Mr. BARKLEY. Does not the amendment weaken not only the bill as it was reported by the Senate Finance Committee but the law as it now exists with reference to the enforcement of the opium law?

Mr. HOWELL. The amendment proposed by the Finance Committee to the House bill would have taken the teeth out of this proposed law. The House included in the bill an amendment to the law now in effect that put teeth in it. The Finance Committee adopted an amendment that would take the teeth out of the law. The Senate did not accept that amendment; and now an attempt is being made to have adopted an amendment that will again draw the teeth from the bill as passed by the House.

Mr. BARKLEY. If this amendment is adopted, will not the effect of it be that where opium is found on a vessel the burden of proof will be on the Government to prove that the master, owner, or executive officer in charge of the vessel had knowledge of the presence of the opium; and will it not make it even more difficult to enforce the law than it is at present, and more difficult than under the proposed law as we have already agreed to it in the Senate, having defeated the amendment as it came from the Finance Committee?

Mr. HOWELL. The law as it would be, if the House bill were passed without amendment, would provide for a fine of \$25 an ounce against both the master and the owner of the vessel. Then the Secretary of the Treasury would have the right and authority to modify that fine if he saw fit and proper. Now, a plausible proposal is made that we refer this matter to the courts under such conditions that we never would be able to hold the owner of a vessel.

Mr. BARKLEY. If the Senator will permit me—

The PRESIDING OFFICER (Mr. Jones in the chair). Does the Senator from Nebraska further yield to the Senator from Kentucky?

Mr. HOWELL. I do.

Mr. BARKLEY. What I had in mind was this: The language of this amendment provides for the exemption of the owner, master, and executive officer of any ship on which opium is found if the court shall believe that they had no knowledge of its presence. Therefore the burden of proof

would be on the Government of the United States to prove affirmatively that these officers, owners, and masters had knowledge of the presence of the opium. Would not that be a very difficult thing for the Government to prove, even though they found tons of it on board the ship?

Mr. HOWELL. There is no question about it. Why, Mr. President, consider a freighter coming into a port. The officers and crew may be the very ones who are interested in the importation of the opium. The opium imported by one of the Dollar Steamship Line vessels was worth in the neighborhood of four or five hundred thousand dollars; and although the Senator from Oregon suggested that freighters were not involved, the fact is that they are involved. There was a case just recently where a fine was assessed against a steamship in New York Harbor, a freighter, and I think the fine was something like \$350,000. In that case the freighter came into port and lay at the dock for several days, and one night two Chinamen left the ship. No one paid any attention to them. They carried a grip and just happened to be picked up by a policeman at the gate. No effort was made to stop them on board ship. No one was on guard.

That is what is going on, and the owners of the ship know it is going on. I do not mean that they know of each individual case, but they realize that unless they take extreme precautions it will go on just as it is going on. So when this amendment to the present law was adopted by the House, these owners immediately plotted to draw the teeth out of this amendment urged by the Treasury Department.

But, Mr. President, we are now confronted with this proposition: "Leave it to the courts. Be fair; be just; allow the Government of the United States to go into court, and if it can not prove that there was negligence on board the ship, it shall not collect the fine." By whom would they prove it? Why, the officers and crew on the ship might all be parties to the transaction. Where would the Government get the evidence? How would it get the evidence? The shipowners know the Government could not get the necessary evidence, and hence this plausible amendment. The question is, Has the Senate the will to take the necessary step to enforce the law against the importation of narcotics as the House has done, or will it retreat?

Mr. SHORTRIDGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from California?

Mr. HOWELL. I yield.

Mr. SHORTRIDGE. I fully agree with the Senator in his earnest desire to prevent the smuggling of these narcotic drugs. The question, as it appears to my mind, is, Who shall pass upon the guilt or the innocence of anyone charged with a crime? Shall it be a court, or shall it be the Treasury Department?

Mr. HOWELL. This is not a crime.

Mr. SHORTRIDGE. Well, it amounts to a moral crime. It amounts to a penalty, Mr. President.

Mr. HOWELL. It is a penalty.

Mr. SHORTRIDGE. Granted. The only thing to be considered, it seems to me—for we all agree as to the wickedness, the hurtfulness, and in a general sense the wrong, the injury done by the importing of these drugs—the only question in my mind is, Who shall pass upon the act of importing? Shall it be a court, or shall it be—I will not say a subordinate—shall it be the Secretary of the Treasury? It seems to me that that is the only question.

The Senator from Nebraska may be absolutely right in thinking that the Secretary of the Treasury here in Washington can the better pass upon it than an honored judge yonder in San Francisco or in Seattle or in New York; but that, I say, seems to me to be the question: Who shall pass upon it; namely, whether it be the court or the Treasury Department?

Mr. HOWELL. Mr. President, I should have no objection to the honored judge passing upon it if he were in a position to have before him, and to take into consideration, all the evidence that the Secretary of the Treasury could take into consideration; but under the rules of law he would be limited. The Secretary of the Treasury would have before him the record of the company. He would have before him the fact that in the last two or three years the Dollar Steamship Line has violated our narcotic law 37 times, and the masters have been fined \$760,000; but they are judgment proof, and only \$6,250 has ever been collected on account of this \$760,000 of fines.

Mr. SHORTRIDGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska further yield to the Senator from California?

Mr. HOWELL. I do.

Mr. SHORTRIDGE. Then why does the Senator wish to leave with the Secretary of the Treasury the power to remit these fines? If they were properly imposed, why should we leave it to a department of the Government to remit them?

The thoughtful Senator from Alabama expressed some views which appeal to me. If the case is in a court and a fine is imposed, then the question arises, Who has control over that judgment, who may remit it? As I understand the Senator from Nebraska, the fine is imposed, and presumably upon some evidence. But, query: Shall we have all the fines remitted, wiped out, as it appears they have been, practically? It is a practical question of administering the law with which I am concerned.

Mr. HOWELL. Mr. President, the able Senator from California evidently does not realize that now fines can only be assessed against the masters, and the masters are judgment proof. What we are endeavoring to do is to make the owners of the vessel jointly liable with the masters.

Mr. SHORTRIDGE. And I think they should be; but I do not think that any man's liberty should be taken from him, or his property taken from him, without giving him an opportunity to be heard. All my life I have thought that that was true American doctrine. If a shipowner, or the owner of any other property, is charged with crime, let him be heard. If he is charged with an offense which means the imposition of a penalty in a money fine, let him be heard. That is all I contend for. If it be, in this particular case, concerning which we all agree, that this inhibited drug is found on a ship, let the owner of the ship be heard, be permitted to put in his defense. I have profound respect for the Federal courts. It has seemed to me that a Federal court would be the appropriate, the proper place for the owner of the vessel to make his defense, if he can make one. If he can not, let him be condemned, no matter how great the fine may be, for the punishment can not be too severe as against anybody, master or owner or passenger, who is guilty of this great crime. No man should be above the law, no man should be beneath its protection.

Mr. HOWELL. Mr. President, that is a plausible argument, to the uninitiated it would appeal, but we are considering a special service, a service upon the sea, and it is proposed to make the Government responsible for proving that the owner of a vessel had knowledge that there was smuggling of opium upon his vessel. Go into court under such circumstances, and you will never hold an owner.

Mr. SHORTRIDGE. Will the Senator pardon me again?

Mr. HOWELL. Yes.

Mr. SHORTRIDGE. Is it the Senator's theory that a man is to be condemned even though he is innocent of wrongdoing? Can we stand for that proposition as Senators or as men?

A man may be rich or poor, beloved or despised; and yet, if he is accused of crime, is he not entitled to be heard in his defense?

Mr. HOWELL. He would not be accused of crime in this case.

Mr. SHORTRIDGE. If he is to be punished, may he not be heard? I am not presently concerned with the rules of evidence as to the burden of proof or the presumption of innocence. Those are important principles, of course. But somewhere the man accused of wrongdoing, of violating the law of his country, ought to have an opportunity to plead not guilty and to prove his innocence, if he can.

Mr. HOWELL. Mr. President, a shipowner has that privilege now. He can go into court and show the court that the Secretary of the Treasury has levied a fine for the smuggling of opium in his ship, and that no smuggling took place. If he can show that, the fine can not be enforced.

The question here is, Was there opium on the ship? If the fact is that there was opium on the ship, then there is no defense for the owner, unless he can present mitigating circumstances to the Secretary of the Treasury.

Mr. GEORGE. Mr. President, will the Senator yield?

Mr. HOWELL. In just a moment. There is nothing to the suggestion that the owner of a ship is to be debarred from any privilege of appealing to the courts. There is just one question to be decided: Was there opium found on that ship? If there was no opium found on the ship, and the Secretary of the Treasury attempted to fine the owner of the ship, the owner could go into court and have redress. What we propose is this, when opium is found on board a ship, the owner will have to pay the price, in order that we may stop that sort of thing. I now yield to the Senator from Georgia.

Mr. GEORGE. There seems to be a great difficulty experienced by many Senators on the theory that there must necessarily be a criminal intent present before the Government is justified in punishing anyone. There are many offenses which do not necessarily involve a criminal intent, except in the sense that there was the actual doing of the thing which the law condemned.

Then there seems to be a great deal of difficulty on the part of other Senators because a ship may be taken, although the master and owner of it are innocent of any intent or purpose to

transport opium. It is no new principle in the law that wherever a necessary instrumentality is used in the commission of a crime, the instrumentality may be seized, as well as the person who uses the instrumentality in the commission of the crime.

It seems to me the Senator from Nebraska is quite right in this matter, that an invitation is going to be opened to opium smuggling if we take out the drastic and harsh provisions of this law. We had better leave them in if we really mean to prevent the smuggling of opium.

Mr. SHORTRIDGE. Mr. President, will the Senator yield again?

Mr. HOWELL. I yield.

Mr. SHORTRIDGE. Do I understand the Senator from Georgia to agree with the Senator from Nebraska that there would be any remedy for the shipowner?

Mr. GEORGE. Oh, entirely. Under section 618 the Secretary of the Treasury is authorized to remit the whole penalty imposed on the shipowner or the master.

Mr. SHORTRIDGE. Precisely.

Mr. GEORGE. If it appears that he is really innocent.

Mr. SHORTRIDGE. That, as I suggested a moment ago, was the matter in controversy, a matter of procedure. Who should grant the relief—the court or the Secretary of the Treasury?

Mr. GEORGE. Mr. President, we deal with property rights in the administration of tariffs, and we must deal with those property rights through the set-up of the Treasury Department, the Customs Service. They are just as substantial property rights as any other property rights that have to go into court. If we were to send all customs matters to the courts, we would never be able to administer a customs law.

Mr. STEIWER. Mr. President, will the Senator yield?

Mr. HOWELL. In just a moment. Let us look at this angle, in connection with this amendment. If we will vote down the amendment proposed by the Senator from Oregon [Mr. STEIWER], we will settle once and for all the question as to whether there are to be teeth in this tariff bill to the end of preventing the importation of opium by smuggling. But if we adopt this amendment, it will be in the hands of the conference committee, and they can restore the Finance Committee's amendment relieving these owners. If we will stand firm now, and refuse to amend the bill at all in this particular, the matter will be settled, we can settle it right here and now, and it can not be changed in conference.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. HOWELL. I yield.

Mr. BARKLEY. Under the language as it now stands, the master of a vessel, or the person in charge, or the owner, is liable to a penalty of \$25 for each ounce of opium found on the ship, and it is provided in the next sentence that that fine or penalty is a lien upon the vessel. This amendment would relieve the owner of the vessel from the payment of that fine unless he had other property out of which it could be secured.

Mr. HOWELL. That is the provision.

Mr. HEFLIN. Mr. President, if that is true, then it would change the bill from the way it would read as we amended it here a few days ago.

Mr. HOWELL. Yes.

Mr. BARKLEY. It would practically nullify the provision we adopted.

Mr. HEFLIN. It would nullify the provision we put into the bill on a former occasion.

Mr. HOWELL. We stood by the House provision of the tariff bill, in this connection. The Finance Committee attempted to wipe out that provision and we refused to agree to the Finance Committee amendment.

Is it not now evident that if we will stand pat the House provision will stand, it can not be changed by the conference committee, and we will have settled the whole matter, and we will have put teeth into this section?

Mr. HEFLIN. I think the Senator is right about that.

Mr. BORAH. Mr. President, will the Senator permit a question?

Mr. HOWELL. Certainly.

Mr. BORAH. Is there not a provision in the bill somewhere to the effect that if the party refuses to pay the fine, he may go to court?

Mr. HOWELL. No; this is the proposition: If opium is found on board a ship, then the fine attaches; and it must be paid unless the Secretary of the Treasury sees fit to relieve the owner.

Mr. BORAH. That is under section 618?

Mr. HOWELL. That is under section 618. It is very easy to understand the anxiety of the Dollar Steamship Line, their desire to avoid this liability so far as vessel owners are concerned.

From April 22, 1925, to January 3, 1928, there were 37 importations of opium on Dollar steamships, and single captains were in command as many as six times on those ships when smuggling took place.

These fines varied as follows: \$146,000 in one case, \$45,000 in another case, \$32,000 in another, \$33,000 in another, and \$399,000 in another case.

Mr. TYDINGS. Mr. President—

The PRESIDING OFFICER (Mr. JONES in the chair). Does the Senator from Nebraska yield to the Senator from Maryland?

Mr. HOWELL. I yield.

Mr. TYDINGS. I was not in the Chamber during the entire time the Senator was addressing the Senate and perhaps I may be asking the Senator to cover some ground he has already covered. If so I shall not ask the Senator to repeat, because I can read his speech to-morrow in the RECORD. But I have been wondering, if the captain of a ship really was very careful in making his inspection of the goods coming aboard and has done everything that a man reasonably could do to detect the presence of opium, if it was the Senator's intention that the captain ought to be fined nevertheless because opium was on the ship, notwithstanding he had done everything he reasonably could to prevent it coming aboard?

Mr. HOWELL. Mr. President, I invite the attention of the able Senator from Maryland to the fact that under the bill the Secretary of the Treasury has the right to relieve such a captain from paying the fine if he is satisfied that the captain is worthy of that consideration. When he does so he takes into consideration the captain's record, he takes into consideration evidence which would not be presentable in court, and he has in mind circumstances which the court could not know. If the Secretary of the Treasury believes that the captain is worthy, that the captain is a careful man, then he may relieve him. But even though he could not prove laches on the part of the captain, if he knows that his record has been bad, if he knows of indifferent discipline on board his ship, then in such case he can say, "I can not relieve you of the fine. I am very sorry but we have to make an example."

But it is proposed that the Secretary of the Treasury shall not have that privilege. No; it is proposed that the vessel owner may first go to the Secretary of the Treasury and ask to be relieved, and if he can not get relief there then he may go to the court. That is what is proposed. He is to be given two chances.

Mr. TYDINGS. I would be inclined to go with the Senator in his general observation that the penalty should be put upon the shipowner, agreeing that the presence of opium is prima facie evidence that a careful inspection was not made, and he would be theoretically obliged, under the law, then to give bond and await trial. However, if ample machinery were not present in the law to permit him to come in and show that he had done all that a reasonable man could do and therefore, having done that, was blameless, I would not want to vote for an amendment fixing the penalty upon the man who had done his best. I would be glad to see a fine imposed, if there were machinery so he could get it back if he were not guilty. On the other hand, I would be inclined to vote for the imposition of the fine provided he can not prove he was diligent.

Mr. HOWELL. The Senator need have no fear that the machinery is not working well. The department levied \$760,000 of fines against the vessels and only collected \$6,250, so I think the Senator can rest assured that the Secretary of the Treasury will not be too harsh in these cases. But the Secretary will be in a position to insist upon the payment of fines in cases where they ought to be paid and where he could not go into court and prove negligence and make the vessels pay in that way.

One of the most remarkable cases in connection with the smuggling of opium was the case of the *President Harrison*. That vessel arrived in the port of New York on October 22, 1928.

Mr. TYDINGS. Mr. President, may I interrupt the Senator again before we leave the point we were just discussing?

The PRESIDING OFFICER. Does the Senator from Nebraska yield further to the Senator from Maryland?

Mr. HOWELL. Certainly.

Mr. TYDINGS. I really do not know, but I suppose the captain of a ship, through his crew, has the privilege of inspecting all baggage that comes on board to the extent that customs officials inspect baggage when it is taken from the ship and placed on the pier. Am I right in that conclusion?

Mr. HOWELL. Absolutely.

Mr. TYDINGS. Although an American ship were loading commodities in China, I suppose that every seal could be broken and there would be no such thing as shipping goods under seal. The captain would have the right and there would be no limit to what he could not break open without any danger of liability.

I can see where goods might be shipped under bond; they might be precious stones shipped under bond, and it might be thought if they were opened paste diamonds might be substituted for real ones, and it would be difficult to tell where the liability should be fixed for the loss. I was just wondering, under all cases, whether or not the captain of the ship had the authority at the time the goods were loaded upon his vessel to examine into every package of merchandise of whatever character that came aboard. If he has, that is one thing. On the other hand, if there are certain provisions where goods may be received under bond—I do not know that there are, but if there are those conditions—then there should be a saving clause that the bonded goods were opened not by the captain but by some extraneous person. Otherwise the law would be so rigid that one regulation would prevent the opening of the bonded goods and another regulation would demand the opening of the bonded goods. I simply offer that as a suggestion, not knowing what the real situation is.

Mr. HOWELL. At each port of call the steamship company has its agents. The agents collect the freight on the goods that are to go aboard. They are as responsible as the owners of the steamship. It is up to them to determine the character of goods contained in the cases which are offered for shipment. As a matter of fact, they have to know in order to apply the proper rates of freight. When any goods come aboard the ship, if the captain has any reason to believe that they are not as set forth in the manifest, he has authority to investigate. If he had done so without reasonable cause and damage were done to the goods, it is probable that the owners thereof would have an action against the steamship company for the damage done.

But now let us consider another class of baggage aboard ship, the baggage of the men, the goods that the men bring on board the ship. Every vessel ought to be carefully guarded at the ports of call, especially if they go alongside a wharf. There should be guards stationed at the gangway, and particularly at the gangways for the men. Every bit of luggage brought aboard by the men should be examined carefully. The Senator knows that; it is done in the Army and the Navy.

Mr. TYDINGS. What I had in mind was, for example, the case of a cargo of grain being shipped from China to the United States in bushel sacks. It would be very easy in the center of several of those bags of grain to place a small box of opium. Suppose that only 10 of the sacks out of possibly 5,000 that were loaded on the vessel contained the opium.

I want to put this penalty on the captain if he is lax, but it is very easy to see in the illustration I have just made that it would be practically impossible for him to render 100 per cent efficient survey and examination of the freight unless he would really have each one of those sacks opened, dumped out, and reloaded in his presence. While I agree with the Senator's proposal that the law ought to be elastic enough, taking into consideration the nature of the shipping business, yet I feel that if a man has done all he reasonably can do he should not be singled out when no other human being could have done more if he had been placed in the same situation. All I want to do is to ascertain whether or not, once the fine is imposed, it can be withdrawn if the man has a good reputation and is able to prove that he had fulfilled his duty to a reasonable and diligent extent.

Mr. HOWELL. The fine can be withdrawn under the provisions of section 619 which I have quoted. But there is a class of baggage, as I have stated, that comes aboard ship, brought by the crew, that is liable to contain opium and liquor, and unless great care is exercised opium and liquor will be smuggled in that way.

It happens that not long ago I talked with a young man who had gone around the world on one of the vessels of the Dollar Steamship Line, not as a passenger but as a member of the crew. He was a college man and was out for an experience. I asked him about the character of the vigilance used on board the ship. He told me that in Oriental ports, on the ship on which he made the circuit of the globe, the men came and went over the gangway without any supervision whatsoever and that a man could go ashore and take a suitcase and come back with it full of liquor, which is also contraband, and no one would investigate. He told me that after going into these ports where the men bought what they called "canned lightning," in small tin cans; that every morning for two or three days thereafter the receptacles for refuse would be found filled with those cans. The officers knew it was being done. Even the officers themselves did it.

Why, Mr. President, the Dollar Steamship Line under the present law does not have to fear at all, and it is not necessary for them to take precautions and they have not been taking precautions. But now they are afraid that they may have to take precautions and so they are insisting upon an amendment of the tariff bill as passed by the House making the owner of

a vessel liable with the master so that the fine can be collected and it would mean something, and thus leave the situation as wide open as it has been heretofore.

Mr. SHORTRIDGE. Mr. President, will the Senator yield? The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from California?

Mr. HOWELL. I yield.

Mr. SHORTRIDGE. Mr. President, I wish it to be made very clear that the only possible difference of view between the Senator from Nebraska and myself is as to the tribunal which ultimately shall pass upon the violation of the law. I understand the Senator to contend with great earnestness that, the lien attaching and the penalty having been imposed, the remission of that penalty in toto or its reduction shall be with the Secretary of the Treasury rather than with a United States court. As I view it, that is the only point of difference of view existing between us.

I repeat, it has seemed to me that the Federal court under a Federal judge, with the power to summon witnesses, to examine into the facts, and to determine the case according to the facts, has power perhaps far more extensive than has the Secretary of the Treasury; in a word, that the court can avail itself of all the information which the Secretary of the Treasury can give, and, over and beyond that, can summon witnesses to get at the truth. So I repeat that the only point of difference between me and the Senator and possibly between him and other Senators is one of procedure and as to who shall pass on the guilt or innocence of the accused, be he master, employee, passenger, or shipowner, the Federal court or the Secretary of the Treasury.

Mr. HOWELL. Mr. President, let it not be understood that if a vessel owner is wronged by being charged with bringing in opium on his vessel he has not the right to go to court and defend himself. However, the tariff law provides if opium shall be smuggled into this country on a vessel that fact alone attaches a fine of \$25 an ounce.

Mr. SHORTRIDGE. Be it so; but—

Mr. HOWELL. That will be collected, if it is levied, against the vessel owner. Up to the present time it has been levied against the captain, and he is usually judgment proof. As to whether the fine should be remitted or not depends upon extenuating circumstances, to be determined by an executive, just as the President determines whether a parole shall be granted or a man shall be released from a fine. So we have given to the Secretary of the Treasury the power to exercise his discretion and to relieve to such extent as he may deem proper the fine which has been levied or to collect it. That has ever been an executive function under the Constitution of the United States, and we are continuing it an executive function here as it has been for some time in the past.

Mr. SHORTRIDGE. Mr. President, will the Senator permit me to add that I do not know whether the remissions to which he has called attention were justified or not; but the penalty falling upon master and upon ship, who shall remit it? Who shall pardon, if you please? Shall it be the Secretary of the Treasury? I understand the Senator's position to be that when the penalty is imposed, as the statute imposes it, whether against master or ship—and it should be against both—that its enforcement lies with the Secretary of the Treasury, who may or may not remit or reduce it. It may be wise to confer that power on the Secretary of the Treasury, but I still have great faith and confidence in the courts of our country, and I would give them jurisdiction over this important matter.

Mr. HOWELL. Mr. President, this power has been left to the Secretary of the Treasury for a number of years, and I see no reason why it should not be left with him now; but when an amendment was offered, when this question was up on a previous occasion there was no suggestion that the power should be taken away from the Secretary of the Treasury. Now, there is not any suggestion that it shall be taken away from the Secretary of the Treasury. The Secretary of the Treasury is still to have the power to remit the fine, but if, for instance, the Dollar Steamship Line did not get all they wanted from the Secretary and might have to pay the fine, then—

Mr. SHORTRIDGE. What then?

Mr. HOWELL. Then they could go to court.

Mr. SHORTRIDGE. Is the Senator quite sure about that?

Mr. HOWELL. I feel very confident of it.

Mr. SHORTRIDGE. The Senator may be entirely right.

Mr. HOWELL. May I ask the able Senator from California if he is sure that that is not the case?

Mr. SHORTRIDGE. No; I am asking for information. I have heard it stated here that there is no such proceeding permissible under existing law.

Mr. HOWELL. I do not understand such a suggestion has been made. The question was whether such a course could be

pursued, and finally, when I stated the situation, my proposition was not objected to by the Senator from Oregon.

Mr. President, the thing for the Senate to do under the present circumstances is to refuse to accept this amendment; to stand upon the House provision as it came from that body in this particular, and thus settle the question once for all right here.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Virginia [Mr. SWANSON] to the amendment of the Senator from Oregon [Mr. STEIWER].

Mr. BLEASE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from South Carolina suggests the absence of a quorum. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Fletcher	King	Sheppard
Ashurst	Frazier	La Follette	Shortridge
Barkley	George	McKellar	Simmons
Bingham	Gillett	McMaster	Smoot
Black	Glenn	McNary	Steck
Blaine	Goldsborough	Metcalf	Stetwer
Bleas	Gould	Moses	Stephens
Borah	Greene	Norbeck	Swanson
Bratton	Hale	Norris	Thomas, Idaho
Brock	Harris	Nye	Thomas, Okla.
Brookhart	Harrison	Oddie	Townsend
Broussard	Hawes	Overman	Trammell
Capper	Hayden	Patterson	Tydings
Caraway	Hebert	Phipps	Vandenberg
Connally	Heflin	Pine	Wagner
Couzens	Howell	Pittman	Walcott
Cutting	Johnson	Reed	Walsh, Mass.
Dale	Jones	Robinson, Ark.	Warren
Dill	Kean	Robinson, Ind.	Waterman
Edge	Kendrick	Sackett	Watson
Fess	Keyes	Schall	

The PRESIDING OFFICER. Eighty-three Senators having answered to their names, a quorum is present.

Mr. BARKLEY. Mr. President, I have no desire to delay a vote on this amendment; but I desire in a very few minutes to express my reasons for being unable to support it.

Mr. BROOKHART. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Iowa?

Mr. BARKLEY. I yield.

Mr. BROOKHART. I desire to offer an amendment to the amendment, and I think probably it will not be objected to. It may obviate part of the Senator's discussion.

Mr. BARKLEY. I doubt it.

Mr. BROOKHART. Perhaps not.

On line 8, I propose to strike out the word "reasonable" and to insert in lieu thereof the words "the highest degree of." I will ask the Senator from Oregon if he is willing to accept that amendment?

Mr. STEIWER. Mr. President—

The PRESIDING OFFICER. The Senator from Kentucky has the floor. Does he yield to the Senator from Oregon?

Mr. BARKLEY. I will yield if it will not take very long.

Mr. STEIWER. I will say to the Senator that I do not want to speak.

I have a feeling that the amendment of the Senator from Iowa proposes an unusual and possibly unnecessarily drastic rule; but I am willing that it shall be drastic, Mr. President. My disposition, therefore, is to be sympathetic to the suggestion. I shall not resist the proposal of the Senator from Iowa for a modification of the amendment.

Mr. BROOKHART. Mr. President, let me suggest to the Senator from Kentucky that I find in the law that there are three degrees of diligence prescribed. There is slight, ordinary, and extraordinary or great diligence. In this case I should say that there should be no defense unless they have exercised the highest of those degrees, which is extraordinary or great diligence; and that is what the amendment will amount to, if accepted.

Mr. BARKLEY. It does not make any change in my attitude, Mr. President. I do not see that it makes the amendment much better; and if it did I could not support it, because on this subject I am considerably like the Two Black Crows—"even if it were good, I would not like it."

Mr. President, section 584 provides certain penalties for the master and person in charge of a steamship bringing into the United States goods not described in the manifest. Then this paragraph on page 447 provides a special penalty if the goods found on board should happen to be opium, or opium prepared for smoking.

The present law makes the master and the person in charge of a ship bringing opium into the United States liable to a penalty of \$25 an ounce for all such opium found on board.

Last week the Senate voted to apply that penalty to the owner of the ship; so that under the language of the bill as it now stands the owner, master, or person in charge is liable to a penalty of \$25 an ounce for all opium found on board a ship coming into the United States. In order to collect that penalty the ship is made liable, because it is assumed—and the assumption is not without foundation—that frequently the owner of a ship owns no other property in the world out of which the penalty could be collected; and, even if the owner of the ship had other property, the ship itself ought to be made liable for the unlawful importation of opium into the United States.

The Senate has already gone on record in favor of making the owner of the ship liable to this penalty of \$25 an ounce, in addition to making the master or other person in charge of the ship liable; but what does this amendment do? After having voted to make the owner and the master or other person in charge liable to the penalty of \$25 an ounce, this amendment proposes to put in this language:

Except that the master or owner of a vessel used by any person as a common carrier in the transaction of business as such common carrier shall not be liable to such penalty—

Shall not even be liable to the penalty to which we have already said, by a vote taken last week, they ought to be liable—

and the vessel shall not be held subject to the lien, if it appears to the satisfaction of the court that neither the master nor the owner knew, and could not, by the exercise of reasonable care and diligence, have known that such smoking opium * * * was on board.

The effect of this amendment will be to place the burden of proof on the Government of the United States not only to show that the ship carried opium and that it was being brought into the United States in violation of the law but also to show that the master or owner or person in charge of the vessel knew, or could have known by the exercise of reasonable diligence, that it was there; and even if the burden of proof were on the master, owner, or person in charge the effect would be the same, because if either of them or all of them went on the stand and testified that they did not know the opium was there, and they could not by the exercise of reasonable diligence have discovered it, the Government would have difficulty in disproving that fact. So, in my judgment the adoption of this amendment would nullify the action already taken by the Senate; it would nullify the law as it now exists; and we would have been in a better condition if we had not voted the other day against the Senate Finance Committee amendment to strike out the word "owner" and had left the law as it is than if we should adopt this amendment.

I believe that these vessels, and all of those who are in charge of them, and those who are the owners of the vessels on which this contraband opium is found, ought to be liable; and the possession on the vessel of the opium ought to be prima facie evidence of the liability of somebody. If we are going, by exception and exemption, to legislate all of those who are primarily responsible out of liability for the possession or importation of that opium, then we make it practically impossible for the Government to enforce the law.

For that reason, Mr. President, I can not support this amendment, and I hope it will be defeated. I do not desire to take any further time upon it.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Virginia [Mr. SWANSON] to the amendment of the Senator from Oregon [Mr. STEIWER].

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question now is on the amendment of the Senator from Oregon [Mr. STEIWER], as modified.

Mr. BARKLEY. On that I demand the yeas and nays.

The yeas and nays were ordered.

Mr. FRAZIER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Caraway	Goldsborough	Kendrick
Ashurst	Connally	Greene	Keyes
Barkley	Couzens	Hale	King
Bingham	Cutting	Harris	La Follette
Black	Dale	Harrison	McKellar
Blaine	Dill	Hawes	McMaster
Bleas	Edge	Hayden	McNary
Borah	Fess	Hebert	Metcalf
Bratton	Fletcher	Heflin	Moses
Brock	Frazier	Howell	Norbeck
Brookhart	George	Johnson	Norris
Broussard	Gillett	Jones	Nye
Capper	Glenn	Kean	Oddie

Overman
Patterson
Phipps
Pine
Reed
Robinson, Ark.
Robinson, Ind.
Sackett

Schall
Sheppard
Shortridge
Simmons
Smoot
Steck
Steiner
Stephens

Swanson
Thomas, Idaho
Thomas, Okla.
Townsend
Trammell
Tydings
Vandenberg
Wagner

Walcott
Walsh, Mass.
Walsh, Mont.
Warren
Waterman
Watson

The PRESIDING OFFICER. Eighty-two Senators having answered to their names, there is a quorum present.

Mr. STEIWER. Mr. President, some Senators have called my attention to the comma in line 5, and suggested that it is not necessary, and possibly would be hurtful, in that it would result in excusing the owner or the master from liability without the showing of diligence in the enforcement of the law. It was not so intended, and I think the comma is entirely unnecessary anyway, so I ask leave at this time to eliminate the comma in line 5, after the word "penalty."

The PRESIDING OFFICER. Without objection, the change will be made. The question is on agreeing to the amendment offered by the Senator from Oregon [Mr. STEIWER], as modified, on which the yeas and nays have been ordered. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. McKELLAR (when his name was called). On this vote I am paired with the senior Senator from Delaware [Mr. HASTINGS]. I transfer that pair to the junior Senator from Montana [Mr. WHEELER] and vote "nay."

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Ohio [Mr. BURTON]. In his absence I withhold my vote.

Mr. WATSON (when his name was called). I transfer my pair with the senior Senator from South Carolina [Mr. SMITH] to the junior Senator from Maine [Mr. GOULD] and vote "yea."

The roll call was concluded.

Mr. BINGHAM. I have a general pair with the junior Senator from Virginia [Mr. GLASS]. In his absence, being unable to obtain a transfer, I withhold my vote. If permitted to vote, I would vote "yea."

Mr. BLAINE. I have a pair for to-day with the junior Senator from West Virginia [Mr. HATFIELD]. In his absence I withhold my vote.

Mr. WAGNER. My colleague [Mr. COPELAND] is necessarily absent from the city. If he were present, he would vote "yea" on the pending amendment.

Mr. CARAWAY. I have a pair with the senior Senator from Illinois [Mr. DENEEN], and being unable to secure a transfer I withhold my vote.

Mr. SCHALL. I would like to have the RECORD show that my colleague [Mr. SHIPSTEAD] is detained from the Senate by illness.

The result was announced—yeas 43, nays 34, as follows:

YEAS—43

Black	Greene	Metcalf	Stephens
Brookhart	Hale	Moses	Thomas, Idaho
Broussard	Harrison	Overman	Townsend
Cutting	Hawes	Patterson	Tydings
Dale	Hebert	Phipps	Vandenberg
Edge	Jones	Reed	Walcott
Fess	Kean	Robinson, Ark.	Walsh, Mass.
Fletcher	Kendrick	Robinson, Ind.	Warren
Gillett	Keyes	Shortridge	Waterman
Glenn	King	Steck	Watson
Goldsborough	McNary	Steiner	

NAYS—34

Allen	Couzens	La Follette	Schall
Ashurst	Dill	McKellar	Sheppard
Barkley	Frazier	McMaster	Swanson
Blease	George	Norbeck	Thomas, Okla.
Borah	Harris	Norris	Trammell
Bratton	Hayden	Nye	Wagner
Brock	Heflin	Oddie	Walsh, Mont.
Capper	Howell	Pine	
Connally	Johnson	Sackett	

NOT VOTING—18

Bingham	Deneen	Hatfield	Smith
Blaine	Glass	Pittman	Smoot
Burton	Goff	Ransdell	Wheeler
Caraway	Gould	Shipstead	
Copeland	Hastings	Simmons	

So Mr. STEIWER's amendment as modified was agreed to, as follows:

On page 447, line 12, before the period, insert a semicolon and the following:

"Except that the master or owner of a vessel used by any person as a common carrier in the transaction of business as such common carrier shall not be liable to such penalty and the vessel shall not be held subject to the lien, if it appears to the satisfaction of the court that neither the master nor other executive or warrant officer of the vessel nor the owner knew, and could not, by the exercise of a high degree of care and diligence, have known, that such smoking opium or opium prepared for smoking was on board."

Mr. SMOOT. Mr. President, I think that is the last amendment to the administrative provisions of the bill. I understand that the Senator from Oklahoma [Mr. THOMAS] has a motion to submit at this time.

Mr. THOMAS of Oklahoma. Mr. President, I understand we have just completed the consideration of the amendments to the administrative provisions of the bill. At this time I desire to submit for the consideration of the Senate the motion which I send to the desk and which I ask to have read.

The PRESIDING OFFICER. The clerk will read the motion.

The CHIEF CLERK. The Senator from Oklahoma [Mr. THOMAS] offers the following motion:

I move that the bill (H. R. 2667) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes, be recommitted to the Committee on Finance with instructions to eliminate therefrom the following-described text: Beginning with line 5, on page 2, and including line 4, on page 121, and beginning with line 9, on page 146, and including line 23, on page 279: *Provided*, That the elimination of such text shall be without prejudice to the submission in the Senate of specific amendments to existing law: *And provided further*, That, when the consideration of said bill is completed in the Senate and before final passage, said Finance Committee is hereby authorized and requested to amend section 648, relating to repeals, so as to make said section conform to the action of the Senate.

The PRESIDING OFFICER. The Chair understands the Senator from Oklahoma to make the motion?

Mr. THOMAS of Oklahoma. At this time I make the motion, and in presenting the motion to recommit with instructions I shall use such time only as may be necessary to explain the proposal and to suggest a few of the reasons which impel me to take this action.

Last June the distinguished senior Senator from Idaho [Mr. BORAH] presented a resolution seeking to instruct the Finance Committee to limit its hearings, deliberations, recommendations, and report upon the pending bill to agriculture and directly related schedules. Some Senators opposed the resolution for the reason that they were not clear as to how the phrase "directly related schedules" would be construed, and on the final roll call the resolution was defeated by a single vote. The closeness of that vote, the fact that some 18 Senators did not pass upon the proposal, and the fact that the bill is again before us in substantially the same form as in June, not only justify but, in my opinion, demand that a proposal in effect similar to the Borah resolution be again placed before the Senate.

LIMITED TO AGRICULTURAL PRODUCTS

The motion, if agreed to, will cause to be eliminated from the bill Schedules 1 to 4, inclusive, and Schedules 8 to 16, inclusive, covering chemicals, oils, and paints, earthenware and glassware, metals, wood, silks, rayon, paper, books, spirits and wines, and sundries, and will leave for our consideration all agricultural and related items and schedules, as well as the special and administrative provisions already considered and passed upon.

The motion further recognizes that there may be some industries in distress; and if so, it will be in order to suggest amendments in the Senate for the relief of such institutions and industries as may be suffering because of unjust competition with foreign goods produced by a lower standard than that sought to be maintained in the United States.

If such cases exist, upon a satisfactory showing made, action here will be prompt in granting the relief asked for.

The motion is in order under clause 2 of Rule XXV, which provides:

It shall be in order at any time before the passage of the bill or resolution to move its commitment.

Section 3 of Article II of the Constitution authorizes the President to convene the Congress in special or extra session on extraordinary occasions. The same section authorizes and directs the President "to give to the Congress information of the state of the Union," and further directs him to recommend to the Congress "such measures as he shall judge necessary and expedient."

As has been pointed out, the Congress can be convened in special or extraordinary session only on "extraordinary occasions." We are now convened in such a special session, and the reason for such extra session is given in the first sentence of the President's message of April 16, when he said:

I have called this special session of Congress to redeem two pledges given in the last election—farm relief and limited changes in the tariff.

Mr. President, legislation is the crystallization of public opinion into statutory law. At this time public opinion has crystallized into a positive demand that the Congress provide relief for

agriculture. Responding to this demand the Congress, early in this special session, passed what it considered an act for the relief of the farmer, and now we are considering the second recommendation—limited changes in the tariff.

I assert that the only crystallized demand for tariff revision is such a revision as will help agriculture. I assert that there is at this time neither a need nor a demand for a general revision of existing tariff laws. I propose to show that not only is there no need and no demand for a general revision but instead that there is widespread and positive demand that a general revision of existing tariff rates be not consummated at this time.

The motion just presented is intended to raise the question, among others, as to whether the pending bill proposes a limited or a complete revision of the tariff. To this question I assert there is but one answer, and that is that the bill proposes a complete revision of our existing tariff laws.

In support of this statement I submit the following: On September 25 the distinguished senior Senator from Connecticut [Mr. BINGHAM], a member of the Finance Committee and armed with information, advised us that—

There are some 21,000 items in the tariff bill.

The bill itself provides that when it shall have been passed and approved, all existing tariff laws shall thereby be repealed. The last section, 651, provides that—

This act may be cited as the tariff act of 1929.

Not only does the bill propose a complete revision of the tariff but, I assert, a complete and general revision of the tariff upward.

PRESIDENT AGAINST GENERAL REVISION

Does such a bill comport with the specifications laid down by the President in his message for "limited changes in the tariff"?

It is not contended here or elsewhere that the pending bill follows the recommendations of the President. The President is on record as being against a general revision. He does not believe conditions warrant or justify such general legislation at this time. In his April message he said:

Seven years of experience under the tariff bill enacted in 1922 have demonstrated the wisdom of Congress in the enactment of that measure. On the whole it has worked well. In the main our wages have been maintained at high levels; our exports and imports have steadily increased; with some exceptions our manufacturing industries have been prosperous.

That was the general condition of industry on the date of the convening of the Congress.

INDUSTRY DOES NOT NEED TARIFF

What is the general condition of industry in our country to-day?

Let me call attention to the general condition of some of our major industries at this time. My authority is a report of the Alexander Hamilton Institute under date of September 28.

Relative to the steel industry the report says:

Steel mill activity in August continued to be maintained at a relatively high rate. The mills were working at 93 per cent of capacity as compared with 82 per cent a year ago. Production of steel ingots during the first eight months reached the record figure of 38,730,000 tons, as compared with 32,788,000 tons a year ago; an increase of 18 per cent.

If this record is correct, the steel industry is not justified, in my estimation, in asking for additional protection on steel and the raw products that make up the steel.

Now, let me call attention, second, to the textile industry. The report has the following to say relative to textiles:

The textile industry continues to work at a higher rate than a year ago. Takings of raw silk by the mills in August rose to the highest monthly figure on record, and exceeded those for the same month last year by 17.5 per cent. The index of employment in the woolen industry in August was 96.8, as compared with 93.2 a year ago. Consumption of raw cotton in August totaled 558,000 bales this year, as against 527,000 bales last year, an increase of 5.9 per cent.

Relative to railroad traffic, I find the following:

The railroads continue to benefit from a record distribution of merchandise. Freight-car loadings in August were 4.5 per cent larger than a year ago. During the first eight months, car loadings totaled 35,335,000 this year, as against 33,754,000 last year, an increase of 4.6 per cent. The railroads have also continued to benefit from increased efficiency. During the first seven months gross revenues of Class I railroads were 5.7 per cent higher than a year ago, while expenses showed an increase of only 1.9 per cent. Net operating income of the railroads during the first seven months consequently totaled \$685,508,000

this year as against \$557,646,000 last year, an increase of nearly 23 per cent.

The report has the following to say relative to factory employment:

Factory employment, as well as car loadings, continued to reflect in August a higher rate of business activity than a year ago. Factory employment in August was slightly larger than in July and 5.3 per cent larger than in August last year. Pay-roll totals showed an increase of 8.4 per cent over last year, due to a gain in per capita earnings, as well as to an increase in the number employed. Of 54 separate industries, only 15 reported fewer employees in August than a year ago. Manufacturers of various building materials accounted for one-third of these industries reporting decreases.

Relative to retail trade, the report is as follows:

Retail trade in August continued to benefit from the high level of employment. Sales by 45 chain-store companies in August amounted to \$182,000,000 this year, as against \$139,000,000 last year, an increase of nearly 31 per cent. For the first eight months there was an increase of 25.4 per cent over last year. The combined sales of Sears, Roebuck & Co. and Montgomery Ward & Co. in August were 30.6 per cent larger than a year ago and for the first eight months 30.4 per cent larger. The combined sales of 446 department stores in August showed an increase of 4.7 per cent over the same month last year.

These figures are supplemental to those given a few days ago by the distinguished senior Senator from Idaho [Mr. BORAH] and are offered to show that industry, in the main, is not in need of further tariff protection at this time.

Should my authority be questioned, then I would refer to a statement made by the New York Federal Reserve Bank. The substance of the statement is as follows, quoting from Labor, September 28, 1929:

For the first six months of this year profits of industry ran nearly 33 per cent larger than in 1928, according to a compilation made by the Federal Reserve Bank of New York.

Public utility earnings show a 15.5 per cent increase. Railroad net revenues are up approximately 22 per cent.

Net income for the 6-month period of 236 corporations, representing 16 industrial and mercantile groups, show a total of \$892,000,000, as compared with \$670,000,000 earned by the identical corporations in 1928.

Public utility concerns, 194 reporting, had profits of \$646,000,000 for the first half of the year, as against \$559,000,000 for the same period a year ago.

Class I railroads, 181 of them, show profits totaling \$563,000,000 this year, compared with \$462,000,000 the first six months of 1928.

That the wages of capital are high and continue to ascend is clearly established by the Federal reserve bank statement.

PROSPERITY NOT DISTRIBUTED

Mr. President, it seems that there is ample prosperity in the country, and the fault we find is that such prosperity is not equitably distributed. Finance, transportation, and industry have been and are prosperous, but agriculture, embracing the most numerous class of our citizenship, is not included in this prosperous group.

We are now convened in a special session of the Congress for the one major purpose—that of granting equality of opportunity to the farmers of our country.

PARTY PLEDGES FAVOR AGRICULTURE

Both of the great political parties are on record on this issue. At Kansas City the Republican convention declared that—

A protective tariff is as vital to American agriculture as it is to American manufacturing. The Republican Party believes that the home market, built up under the protective policy, belongs to the American farmer, and it pledges its support of legislation which will give this market to him to the full extent of his ability to supply it. The Republican Party pledges itself to the development and enactment of measures which will place the agricultural interests of America on a basis of economic equality with other industries to insure its prosperity and success.

At Houston the Democratic convention declared that—

We pledge that in its tariff policy the Democratic Party will insist upon equality of treatment between agriculture and other industries.

Does the pending bill fulfill the pledge made at Kansas City? That question must be answered by the distinguished Senators across the aisle.

Does the bill fulfill the pledge made at Houston? I answer in the negative.

The motion just submitted, if agreed to, will cause the bill to be so reformed as to more nearly comply with the pledges made in the two conventions, and likewise with the demands now being made by the farmers of the country.

BILL INJURES FARMER

For years relief and equality of opportunity have been promised agriculture. In 1922 tariff rates were applied to some of the products of the farm, but, at the same time, rates on manufactured commodities were so advanced as to more than nullify the effective rates granted agricultural products.

Dr. James E. Boyle, professor of rural economy at Cornell University, makes the following statement:

The conclusion seems warranted that when the tariff gains and losses are balanced for the farmer the balance shows a net loss to the farmer. The American Farm Bureau Federation states the amount as \$300,000,000, or about \$10 per family. My estimate would be five times this amount, or \$50 per farm family.

Mr. President, if Doctor Boyle is correct, the passage of the pending bill in its present form will cost each farm family the sum of \$50 annually, or the total sum of \$1,500,000,000.

In further support of this statement let me call attention to the following figures: From 1922 to the present, manufactured products have increased in value from \$43,650,000,000 to \$62,700,000,000, while at the same time farm lands have decreased in value from \$78,000,000,000 to \$58,000,000,000, and farm products have decreased in value from \$14,600,000,000 to \$12,000,000,000 annually.

For some reason industry forged ahead some 33 per cent during the same period in which agriculture has fallen back approximately the same percentage. The farmer believes that favorable legislation has been responsible in the main for industry's success, and, further, he believes that unfulfilled pledges have been responsible for his present distress.

The same scheme of ineffective tariff adjustment for the farmer is again proposed in the bill before us. If this bill shall be passed in its present form, I assert that the legislation will injure the farmer instead of helping him. The bill does not even pretend to grant aid to the cotton farmers of the South. The suggested tariff rate on wheat is practically ineffective. The rate on corn is likewise nothing more than a gesture. On these three leading farm commodities nothing of material benefit is even claimed through the provisions of the bill. Yet all agree that the industrial rates in the main will be effective, thus causing the farmers to pay substantially more for practically everything they are compelled to buy.

Under the bill the farmers of America will still be forced to sell the surplus products of their farms in an international free-trade market—the cheapest in the world—and at the same time they will be forced to buy their necessities of life in a local protected market—the highest in the world.

Mr. President, the farmers of America are not financially able to withstand another assault in the form of an unjust, unequal, and unfair tariff act. The farmers are not asking for special privileges. Instead they are demanding at the hands of this Congress only justice and equality.

To-day the man who lives in the country and tills the soil is a different personality from the farmer of a generation ago. Improved roads, rapid transportation, the daily paper, and the radio have made their impress upon the farmer and the farmer's family. To-day he knows what will help and what will injure the business in which he is engaged. No longer will he be satisfied with or silent regarding any alleged remedy tendered him. He knows that because of favorable legislation, finance, transportation, and industry are to-day enjoying unparalleled prosperity, and that because agriculture has been neglected and disowned, this very necessary and once great and respected calling languishes and decays.

LABOR TO BE INJURED

But, Mr. President, the American farmer, although neglected, bankrupt, and despondent, will neither go naked nor hungry. If he can not live upon his own farm, or upon the farm of some other man, he will migrate to the city to compete with the skilled and unskilled labor now engaged in profitable employment. This is not a possible contingency, but already to labor it is a grave and serious reality. To fail to act to enable the farmer to remain upon the farm is to strike a staggering blow at the wage earners of America.

We have heard the demand made that the American market belongs to the American manufacturer, and with this claim we will not take issue here. We have heard the demand made that the American market belongs to American labor, and we agree with such contention. We have heard the demand made that the American standard of wages and the American standard of living should be maintained and elevated, and we join in such demand, but at the same time we demand that the American market likewise belongs to the American farmer. We demand that the definition of American labor be so broadened as to include the labor of the American farmer. We demand that

the American standard of wages and the American standard of living be made possible for and placed within the reach of those who till the soil and feed the teeming millions of our country.

Mr. President, agriculture has been promised relief. The farmers have been promised equality of opportunity with industry. The Congress is now in special session for the one and only purpose of enacting legislation necessary to redeem the pledges made. After months of demands, hearings, and consideration by the Congress, what has been done and what is now proposed to be done to aid the farmer? Advice and slight financial assistance only have been made available to a small percentage of the organized farmers of the country. The great masses of the farmers have neither been helped nor even reached by the emergency legislation and the emergency funds made available months ago.

Agriculture can be helped in only two major ways: First, by an increased price for the things the farmer sells; and, second, by a decreased price for the things the farmer buys. The pending bill before us offers little hope for relief in the way of better prices for the products of the farm. And, on the other hand, instead of decreasing the price of the things the farmer has to buy, the bill was scientifically constructed in practically every schedule so as to raise the price of practically every article necessary to the existence of the farmer and his family.

Because of the scope and text of the bill before us and because of the manifest interest and evident intent of those responsible for its existence, I make bold to assert that the farmers of America will be injured rather than benefited by the passage of the measure.

Agriculture, embracing some 30,000,000 American citizens, is now looking to the Senate of the United States not only for protection but to force a fulfillment of the pledges made. If the Senate fails, hope wanes and an 8-year struggle ends without victory.

FARMERS DEPENDING UPON SENATE

In passing, let me say that this body, the Senate of the United States, is the last and only hope of the remnants of a once dominant and proud industry, made up of planters, ranchmen, and the farmers of America. Agriculture has lost its once proud eminence and instead of boasting a majority of our citizenship the farm population has dwindled until to-day only about 28 per cent of our total population resides upon the farm.

This decrease in farm population is reflected in the personnel of the membership of the other branch of the Congress. To agriculture the other House is lost and can not be regained, but not so the Senate of the United States. Agriculture still is able to be heard in this body, but is the opportunity and the ability to be heard all the recognition that agriculture is to receive at the hands of the Senate of the United States? After the country—North and South, East and West—irrespective of party, has promised the farmer relief, are we to ignore the promises made? Are we to content ourselves with talk and promises and then fail to act to protect that group which to-day can not protect itself? Are we, the representatives of agricultural States, their last and only hope, to sit here placidly and permit legislation to be enacted which will injure rather than help those for whom we claim to speak? Such a record by me will not be made.

SUMMARY OF ARGUMENT

Mr. President, I have sought to present and to substantiate the following propositions:

First. The country is demanding tariff adjustment in such a manner as to bring relief to agriculture. This is evidenced by the declarations and pledges made by the two major parties in their last national conventions; further, by the recommendations made to the Congress by the President, who is presumed to speak for a majority of the people of the country; and, still further, by the fact that we are now in special session for the one major purpose of bringing aid to the farmers of America.

Second. That in the main, and with but few exceptions, industry is not in need of a general revision of our existing tariff laws.

Third. That there is no demand sufficient to justify a general revision of the tariff act of 1922.

Fourth. The pending bill, if passed in its present form or even substantially in its present form, will injure rather than help the agricultural interests of the country. To deny the propositions just made and to assert that industry is demanding a complete revision of existing rates and that industry is in need of higher tariff duties is to admit that when the bill is passed agriculture will be at a still greater disadvantage than it finds itself under existing law.

Mr. President, the farmer is not asking any advantage in this bill. He is not seeking any special privilege in tariff rates. He knows that at best he can be helped only slightly by the imposition of import taxes. But he is asking that he be not

placed at a still further disadvantage by a general readjustment and revision upward of the industrial rates carried in existing law.

The farmer is justified in his demand.

With the pledges of the two major parties in his hands; with the President recommending relief; with the press of the country supporting his position; with a majority in this body convinced of his distress and sympathetic with his petition; with the Congress now in special session for the expressed purpose of granting him relief; and with a proposal and a program which will help instead of hurt; if he fails here and now, Mr. President, when, I ask, may he hope for a brighter day?

TWO PROGRAMS BEFORE SENATE

Mr. President, we have two programs now before the Senate: One, a general revision of the tariff as proposed in the pending bill; and the other, a program for a limited revision covering the rates applicable to agriculture and rates applicable to industries known and shown to be in distress.

The first program calls for a complete and general revision of all existing tariff rates, most of such rates being proposed to be revised upward.

This program, if carried out, will injure rather than aid the farmers of the country. It will give him an ounce more for the things he sells, and cost him a pound more for the things he buys. It will drive him in ever-increasing numbers from the farm, and force him to seek the cities in search of work to support himself and family.

This bill, if passed, will injure rather than aid the masses of the wage earners of the country. The wage earner's competition will be increased by the millions of idle farmers looking for employment. Impoverished agriculture, with its buying power diminished if not destroyed, will be unable to absorb the finished products of industry; and such condition will be reflected immediately in a slowing-down of industrial activity, decreased employment, and falling wages.

Such a program, if carried out, will injure rather than aid the mass of industrial activity in America. To the extent that the proposed rates will constitute an embargo against foreign goods, the buying power of our trading friends across the seas will be diminished, reacting first upon the industries now enjoying foreign trade, and almost simultaneously upon the wage earners employed in such industrial institutions.

The first program, if carried out, will injure, if not destroy, American good will abroad, and where good will and friendly relations do not exist trade will diminish, and even peace itself may be threatened.

Mr. President, do we dare indorse, stand for, and support a program so radical that it will probably, if not positively, injure the farmers, the wage earners, and the great masses of the people of the United States?

The second program embodies the recommendations of the President; it is the Borah program of last June; it is the program of the organized farmers of the country; it is the program demanded by the press and people generally—a program which will help rather than injure agriculture—a program which will help rather than injure labor—a program which will help rather than injure the mass of industry, and a program which, when carried out, will be the consummation of the crystallization of public opinion into the law of the land.

Mr. President, in order to displace the first program and to substitute in its place the second, I have offered the motion to recommit the bill with instructions so to alter the measure as to comply with the demands made by the farmers, the pledges made by both the major political parties, and the recommendations submitted by the President; and on behalf and in the name of our largest and most distressed industry I urge the adoption of the proposal.

Mr. President, I ask unanimous consent to submit and have printed in the RECORD, without reading, some statements, some letters, and some editorials.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

[From Collier's Weekly for August 24, 1929]

SENATOR BORAH, WHO BELIEVES A PROMISE MADE SHOULD BE KEPT, SPEAKS HIS MIND IN THIS STATEMENT GIVEN EXCLUSIVELY TO COLLIER'S

There was no misunderstanding the issue with reference to agriculture in the last campaign. Both parties declared that agriculture was fighting for its life against economic inequality, and both stood pledged to remedy the injustice. A special session was promised for that purpose. The question is: Shall this pledge be kept?

What the farmer must have, in order that he may be placed upon an economic equality with other industries, is not a loan but a price for his products, a price which will enable him to pay the prices he

must pay for the things he buys in a protected market. He is compelled under present circumstances to sell in the open market (if he is producing a commodity of which we have a surplus) and he is denied the right by his Government to buy in the open market. If this were not true, the farmer might by his own efforts attain economic equality. So long, therefore, as the Government denies him the right through its policy of protection to buy in the open market, it should stand ready to adopt any practicable scheme which will relieve him of this inequality. Hamilton saw this injustice and proposed to remedy it by a bounty. Hamilton knew much about economics but very little about economic appetites after 100 years of protection.

The farmer who produces products of which we have not a surplus is entitled under the protective system to duties which will place him upon an economic equality with other industries. But while placing a reasonable duty on some of the things the farmer sells they propose, it seems, to place a higher duty upon everything which he buys. In other words, when the transaction is closed the inequality continues.

There are only two ways that I know of by which we can assure the farmer economic equality, so far as the tariff is concerned, and they are: Equal protection with other industries through raising his rates or by reducing his living and producing costs through a lowering of present tariff rates.

The protective-tariff system is now threatened by reason of the acts of its greatest beneficiaries. When agriculture asks for reasonable protection the other industries demand higher duties, which leaves agriculture suffering from that economic inequality of which we were pledged to relieve them. Agriculture knows precisely where the fault lies and is prepared to meet the challenge.

WM. E. BORAH.

[From the Washington, D. C., Times of October 9, 1929]

A JIMMY—NOT A TARIFF

(By Herbert Kaufman)

Current prosperity and corporation reports deny the necessity for a general upward revision.

Production records deny it. Foreign competitive conditions deny it. And dividend rates deny it.

We are no longer infant industrialists. Hundreds of our group enterprises have passed the competitive phase.

In certain fields America enjoys patent monopolies or natural advantages with which even pauper wage levels can't cope.

To subsidize further such powerfully entrenched blocs, or similarly to favor a host of lesser (but just as dominant) business divisions, would invite the suspicion that Congress is paying campaign debts at public expense—or wagging tails for election marrowbones to come.

The Republican platform promised to keep wheels spinning and smokestacks belching, but it also pledged a square deal to the man behind the plow, the girl across the counter, and the woman before the cook stove.

[From the Washington Star—Independent]

The Washington Star is for less drastic revision of the existing Republican-made tariff than proposed in the House bill. It favors the upward revision of only such schedules as can be proved to require added protection in the broad interest of the Nation as a whole.

[From the Baltimore Sun—Independent]

The Hawley bill in its agricultural schedules is a futile gesture to the farmers. Eminent Republicans have repeatedly agreed with eminent economists that there is no salvation in a tariff so long as the farmers' ills proceed from production of an exportable surplus. As to the industrial schedules of the Hawley bill, they are not dictated by need even under advanced protectionist theory.

[From the New York Herald Tribune—Independent Republican]

The Herald Tribune heartily approves the program of tariff revision submitted to the extra session of Congress by President Hoover. We favor giving agriculture any added protection which it may need and readjusting rates in certain other industries which have suffered recently from depression due to foreign competition.

... We should think first of giving the relief promised to agriculture and to other depressed industries.

[From the Hartford Courant—Republican]

The Courant believes that no duty of the existing tariff should be increased unless it can be convincingly shown that an increase is needed to afford a proper degree of protection. It believes that the present tariff in the main is working very well and that comparatively few duties require upward revision. It regards the proposed Hawley tariff as exceeding in many instances the actual requirements of a sound protective policy.

[From the Springfield Republican—Independent]

The Republican has declared that with the passage of the farm relief bill Congress should have ended the special session so far as fiscal legislation was concerned, and let the tariff of 1922 remain undisturbed.

[From the Boston Evening Transcript—Independent Republican]

The Transcript has felt that the tariff might well be left alone, except where impartial investigation disclosed a genuine menace to an industry which could not be removed except through an increase in the rates. Cases of this kind are very few and far between, for the present rates are high and the mere fact that foreign goods are coming in does not necessarily constitute a threat to American industry or agriculture.

[From the Winston-Salem (N. C.) Journal—Independent]

The Hawley bill is unsound because it increases the protection on commodities already highly protected and extends only slight degrees of protection to the farmer's raw products. Farm relief is the resounding cry. Let the tariff afford the farmer more protection and the manufacturer, already well on his feet, less. Such a move would be sincere, at least.

[From the Columbus Dispatch—Independent]

* * * "The Hawley bill more than neutralizes its farm increases by heavy increases on many articles of which the farmers are almost universally buyers, not producers and sellers. Building materials, shoes, leather, and harness are examples."

[From the Kansas City Star—Independent]

Under the guise of agricultural relief the Hawley bill, as passed by the House, is really a bill for the benefit of the manufacturing interests. It would impose on the farmer increased costs far in excess of the benefits to him. * * *

The existing tariff act gave extravagant protection to the industries of the country. Any further increase in these duties is unjustified.

[From the Cleveland Plain Dealer—Independent Democrat]

The Plain Dealer regards the Hawley bill as the worst and most indefensible tariff proposal ever offered for the serious consideration of Congress. Its major purpose, it will be recalled, was to aid the farmer. The testimony of those who have studied its relation to the farmer is practically unanimous in the opinion that it will take a great deal more out of the farmer's pocket than it will put in.

[From the Chicago Daily News—Independent]

* * * The guiding motto of Congress should be: "No evidence of necessity, no change."

[From the Chicago Tribune—Independent Republican]

Spokesmen for the farmers are justified in their criticisms of the tariff bill as it passed the House. Further, they are justified in asking that tariff legislation be confined pretty closely to farm schedules. It is becoming increasingly apparent that if the door is to be opened to a revision of the tariffs on manufactured goods, there will be no closing of the door until scores of items which are in no real need of protection are given it.

[From the St. Louis Globe-Democrat—Independent]

The Globe-Democrat supports, and has always supported, the principle of a protective tariff, but it regards a general upward revision of the tariff at this time as uncalled for, unnecessary, and unwise.

Except as to agricultural products there was no demand for tariff revision in the election of last year. Nothing in our economic circumstances warrants such a revision.

* * * The country is committed to revision of the agricultural schedule but aside from that, revision should be limited to the particular situations indicated by the President.

[From the St. Louis Post-Dispatch—Independent]

American industry as a whole has prospered under the Fordney-McCumber law. There is no necessity for a new act with a higher scale of rates, such as the Hawley schedules. The Republican Party platform has pledged revision to help agriculture, with other readjustments which experience has shown necessary. That is the President's position as stated in his message.

[From the Detroit News—Independent]

In general, however, the Hawley bill increases tariffs all along the line, notwithstanding the fact that the existing Fordney tariff is the highest in our history.

[From the Minneapolis Tribune—Republican]

The Minneapolis Tribune, conservative Republican newspaper, has taken the editorial stand that the Hawley tariff bill is completely unsatisfactory to agriculture. It has maintained that it does not in any sense fulfill the Republican Party pledges and that the increase in the industrial rates have nullified whatever gains there were to the farmer in the increased agricultural rates. It has gone further and declared that the farmer will never get any real relief unless the Fordney-McCumber rates are subject to a general downward revision.

[From the Reno Evening Gazette—Republican]

* * * All in all the far West will be well satisfied if the new legislation is confined to the agricultural schedules, the rates of which must be increased if its livestock and farming industries are successfully to continue.

[From the Los Angeles Times—Independent Republican]

The times favors a tariff which will adequately protect American industry, including agriculture, but recognizes that there is danger of setting rates so high that they will raise prices unduly and injure the consumer. It does not believe that present rates should be advanced where experience has proved them sufficient, and does not think general revision advisable at the present time. It stands with President Hoover for revision upward of agricultural schedules and limited changes in a few others.

[From the People's Business, Washington, D. C.]

TARIFF AX FOR FARMERS

* * * If this bill becomes a law in anything like its present form, the American farmer, in whose interest the present special session of Congress was called, will have just about as much cause for giving thanks this coming Thanksgiving Day as the American turkey. * * *

The bill as it stands is an utter betrayal of those farmers who relied upon the campaign promises of the successful presidential candidate and his party.

"The promise of the Republican Party was for the creation of economic equality through tariff revision," says Senator CAPPER, of Kansas, himself a Republican. "This the pending bill does not provide. Farm rates have been raised, but those on industrial commodities have also been raised correspondingly. In other words, the farmer will find himself at the same place he is now. He gets better protection on his products, but the same relative increased protection has been given on the things he buys. He will, perhaps, get more for what he sells, but will pay more for what he buys. So as the result of the operation of the tariff under the proposed rate he would be in the same plight he is under the present law."

The farmers might consider themselves happy if their case were no worse than it appears to be from Senator CAPPER's statement. Unfortunately it would be much worse. For of the 6,500,000 farmers there are at least 6,000,000 who would certainly not get more for what they sell, but who would certainly pay more for what they buy, by reason of this "necking party" Messrs. HAWLEY and SMOOT have prepared for the farmers with an ax for agriculture behind their backs.

[From the Minneapolis Tribune of May 27, 1929]

A WARNING TO THE INDUSTRIAL EAST

* * * What force within the Republican Party is it that is persistently thwarting agriculture?

The first answer to that is that it is not President Hoover.

And the second answer is that it is mainly the industrial East.

Who opposes agriculture on casein? Chiefly the industrial East. Who opposes agriculture on vegetable oils and fats? The industrial East. Who opposes agriculture on butter? The industrial East. Who seeks to impose higher cement costs on the farmer? The industrial East. Who seeks to turn the present farm-relief session into a session designed to increase the farmers all-round living costs? The industrial East. Who seeks to repudiate the pledges President Hoover made the farmer? The industrial East. Always the industrial East.

* * * Some immensely serious consequences are attached to the foregoing conclusions.

The Tribune is not in general an advocate of sectionalism, in fact, deplors the spirit of sectionalism; but who can be so blind as not to see what is bound to happen in the event that the industrial East continues to smother and stifle the agrarian West?

We hardly need say that a time will come when the party will be too small to hold both groups.

[From the Washington Farmer of June 20, 1929]

AGRICULTURE MUST LOOK TO THE SENATE—DR. E. A. BRYAN CONTINUES IN THE BELIEF THAT THE AGRARIAN STATES SHOULD SET OUT TO CONTROL THE UPPER BRANCH OF CONGRESS

TO THE EDITOR OF THE WASHINGTON FARMER:

You may have forgotten that some 15 or 18 years ago—yes; it was 20 years ago, in 1909—that I pointed out in the public discussion of the agricultural situation that the hope of the farmer in national legislative matters lay in the United States Senate. It was in an address at the Agricultural College of Montana and about the time of the Roosevelt country-life agitation.

In subsequent discussions of the same problem I also pointed out that there must inevitably be a unity of action on agrarian matters between the farmers of the South and those of the West which should cross the traditional political alignments which arrayed a "solid South" against a strongly Republican majority in Northern and Eastern States.

I recall that your valuable journal not only called attention to these suggestions through your columns but that you called specific attention of several of the great agricultural papers to these suggestions and that editorial comment followed in many of them.

THE FARM BLOC

The appearance in due time of a "farm bloc" in national legislation confirmed this diagnosis so far as the solidarity of political interest between the farmers of the West and South are concerned.

The agrarian legislation now before Congress demonstrates more clearly than ever before the truth that so far as political power is concerned the farmer must place his chief reliance on the United States Senate.

Twenty years ago it was the fashion to think of the Senate as a high-brow body composed of rich men whose natural sympathies were bound up with big business and corporate wealth. The same notion lingers still. As I then pointed out, the rapid decline in rural population, amounting practically to an agricultural revolution, had led to corresponding increase in the urban vote. The scepter had departed forever from Israel so far as the farmer was concerned.

But there remained then, and there would remain for the next hundred years, a majority of agrarian States. If these exercised their inherent powers they might, if they so chose, be represented in the United States Senate by Members who represented agrarian interests—by men who, not only by assent to political dogma but who genuinely were devoted to the farmer's interest and who understood and fully sympathized with his problems.

Now, regardless of whether we approve or disapprove the proposed debenture feature of the farm relief bill, it is perfectly clear that the Senate reflects to a degree the prevailing sentiment in many agrarian States, and likewise that the House represents the point of view in the populous industrial and commercial centers, where employer and employee alike believe that their interests would be served by the defeat of the debenture plan.

The Senate majority for this feature of the so-called "farm relief" bill would have been much greater had not party discipline cracked the whip to maintain, as far as possible, the party alignment.

GREAT BASIC INDUSTRY

It is now so perfectly clear that the farmer element should turn to the United States Senate for full national representation and the protection which should be given to that great basic industry that even the dullest should not overlook it.

The agrarian States should consciously set out to control the United States Senate by the election only of men who know the genuine farm problem and believe in their very souls that the hope of the Nation lies in the maintenance of a great rural population owning and managing their own farm homes.

INDUSTRY IN SADDLE

Industry is in the saddle with boots and spurs. It rides hard and fast and fails to see that even its own interests are endangered by the pace. The constituent can determine the political course of its representatives in the Senate. But the farmer never will do so unless he selects men who know and believe in his cause. This does not necessarily mean that he must be a "dirt farmer." Nor is it sufficient that he own two or three big farms and has farming done on them for him. No agrarian State should be remiss in setting its house in order that its chief interest should be fully represented in the United States Senate.

The very fact that industry and commerce involve concentrated population and concentrated interests, and that farming involves thin and widely diffused populations, lies at the basis of the political principles involved in this thesis. As I remarked to you the other day, a glimpse over the past 20 years confirms it.

E. A. BRYAN.

PULLMAN, June 10, 1929.

FARMERS' EDUCATIONAL AND COOPERATIVE UNION OF AMERICA,
Oklahoma City, Okla., September 30, 1929.

Senator ELMER THOMAS,
Senator W. B. PINE,

Washington, D. C.

DEAR FRIENDS: Our national president, Mr. C. E. Huff, visited our headquarters here Saturday. After conversation with him and careful study of the tariff bill now pending in the Senate of the United States, I am fully convinced that he thinks should this bill become a law it will do more harm to farmers by far than it will do good.

I see by the papers that Senator DILL gave figures in a speech in the Senate, in which he says farm products receive an increase of 13½ per cent in this bill, while eastern industries get a raise of 86¼ per cent. We will not concede that the present law is equitable to farmers, but the proposed law is so much worse that it is really unthinkable.

I am confident that you will do all in your power to get such modification of the proposed bill as will do the least injury to farmers of your State and of the Nation.

Yours truly,

JOHN A. SIMPSON, President.

OCTOBER 9, 1929.

To Members of the United States Senate:

The special session of Congress was called for the particular purpose of granting to agriculture tariff equality with industry. The Congress thus far has lost sight of or disregarded this fact. It has so readjusted industrial tariff rates as to make the inequality between industry and agriculture greater than ever before. The proposed tariff schedules are, therefore, in the main unsatisfactory to agriculture.

We demand that you exercise every effort to limit the action of the Congress to the purpose for which the session was called, and to that end we call to your attention the schedule of rates submitted by American Farm Bureau Federation and ask your support of these, and also your support of the flexible provisions and other administrative sections recommended by our organization.

Yours truly,

CALIFORNIA FARM BUREAU FEDERATION,

A. Ahlf, president; R. W. Blackburn, vice president; Leland C. Stoll, director; E. E. Burnet, director; J. E. Bandy, director; J. C. Johnson, director; J. A. Smiley, director; Roy K. Cole, director; J. J. Nielsen, director; B. H. Schulte, director; Alex. Johnson, executive secretary.

THE NATIONAL GRANGE,

Washington, D. C., September 25, 1929.

A careful study of the tariff bill as reported to the Senate by the Finance Committee convinces us that, notwithstanding an upward revision of rates on various agricultural commodities, the relative disadvantage of agriculture as compared with industry is fully as great under the pending bill as under the present law.

According to the Statistical Abstract of the United States for the year 1928, compiled by the Department of Commerce, the average ad valorem duty on agricultural products and provisions, as classified by the tariff act, during the preceding year was 22.54 per cent, while the average ad valorem duty on all the other dutiable schedules was 42.6 per cent. Since the rates on industrial and manufactured products in the present bill have been raised more on the average than the rates on agricultural commodities, it is manifest that the tariff bill, if enacted in its present form, will utterly fail to fulfill one of the primary purposes for which Congress was called in special session.

While the grange desires that adequate protection shall be given to those branches of our agriculture which can be brought under the protective system, we are not unmindful of the fact that the farmer, as a consumer, has an equal interest in seeing that tariff rates on commodities which he must buy are maintained at fair and reasonable level. There is a difference between tariff rates that will insure proper protection to American industry and labor, and rates that breed monopoly and burden the consumer for the benefit of industries which, on the whole, are now enjoying great prosperity. The value of the securities of many of these industries has increased from two to six fold during the past seven years.

We are also impressed by the fact that a large proportion of the acreage of American farms can not be brought under the protective system, for the reason that the crops produced on these lands fall into the surplus class and must be sold on the world's markets at the world's price. It follows, therefore, that the higher we make the tariff on general commodities, the less chance there is for the economic survival of unprotected farmers. The farmer who is compelled to sell his crops in the open markets of the world is working under a tremendous handicap when he is obliged by the action of the Government to buy his supplies in our highly protected market. No system of marketing and money lending can overcome this handicap.

Sincerely yours,

FRED BRECKMAN,
Washington Representative.

Mr. THOMAS of Oklahoma. Mr. President, I may say just a word to Senators on this side of the aisle. The proposal which I have presented is exactly in harmony with the pledges made in our platform at Houston. In that platform we pledged the people of the United States that we would take action if in power, or, if not in power, would use our influence as best we could, to see that agriculture got equality with industry. My motion seeks to insure that equality. If the motion should be agreed to, we will consider the agricultural schedules first.

This would not deny the privilege or the opportunity to any industry to come upon this floor, through its Senator, and make a motion to amend existing law. It would, however, change the burden of proof.

At the present time there are in this bill 21,000 schedules. They will remain in it unless the Senate shall take them out. My motion would take out all the schedules except those related to agriculture, reversing the burden of proof only. Any industry can have an amendment made upon the floor and make its case, and if it can make its case before the Senate I will concede that it is entitled to relief.

Mr. President, I urge the adoption of my motion.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Oklahoma.

Mr. SACKETT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Fess	King	Sheppard
Ashurst	Fletcher	La Follette	Shortridge
Barkley	Frazier	McKellar	Simmons
Bingham	George	McMaster	Smoot
Black	Gillett	McNary	Steak
Blaine	Glenn	Moses	Stetler
Blease	Goldsbrough	Norbeck	Stephens
Borah	Greene	Norris	Swanson
Bratton	Hale	Nye	Thomas, Idaho
Brock	Harris	Oddie	Thomas, Okla.
Brookhart	Harrison	Overman	Trammell
Broussard	Hawes	Patterson	Tydings
Capper	Hayden	Phipps	Vandenberg
Caraway	Hebert	Pine	Wagner
Connally	Hedin	Pittman	Walcott
Couzens	Johnson	Reed	Walsh, Mass.
Cutting	Jones	Robinson, Ark.	Walsh, Mont.
Dale	Kean	Robinson, Ind.	Warren
Dill	Kendrick	Sackett	Waterman
Edge	Keyes	Schall	Watson

The VICE PRESIDENT. Eighty Senators have answered to their names. A quorum is present.

Mr. SIMMONS. Mr. President, when a motion similar to the pending motion was presented to the Senate by the Senator from Idaho [Mr. BORAH], before we began consideration of the tariff bill, I voted for it. Since that time we have devoted between six and eight weeks, directly, and indirectly, to the consideration of the pending bill.

The opponents of the Hawley-Smoot bill have demonstrated their control of the situation. They have placed upon the administrative features some outstanding amendments of great importance.

We have passed a resolution calling upon the Secretary of the Treasury to furnish us with certain data from the income-tax returns. This data is now on the press and will be available to Senators in a few days, possibly to-morrow.

Mr. SMOOT. There will be 500 of them here to-morrow.

Mr. SIMMONS. If we have been successful in all of our major contentions with reference to the administrative features of the bill, it is reasonable to suppose that we will be able to correct any, if not all, of the excessive rates carried in the present bill.

Therefore, after all these weeks of labor and after all this preparation, I do not feel, when we have reached the rate schedules, that we ought to seek by a general motion to eliminate all of them from the bill except those relating to agriculture, sugar, and tobacco. I think we should meet these rates and discuss them, so that we may enlighten the country with reference to the burdens of taxation that are about to be attempted to be imposed upon them in the interest of certain special industries in the United States.

In addition to that, Mr. President, the motion carries a provision to this effect:

That the elimination of such text shall be without prejudice to the submission in the Senate of specific amendments to existing law.

Under the authority of that provision in the motion the proponents of the bill when we reach the schedules could offer as an amendment upon each item the increase carried in the House bill or in the bill as it is reported from the Senate Committee on Finance, and thus force the Senate, in spite of the elimination, to discuss and act upon the several propositions.

Mr. EDGE. Mr. President—

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from New Jersey?

Mr. SIMMONS. I yield.

Mr. EDGE. That same privilege, of course, would have been available had the motion offered by the Senator from Idaho [Mr. BORAH] prevailed, would it not? The same privilege to offer any amendment to any rate at any time would have prevailed?

Mr. SIMMONS. Perhaps it would. But again, if the several schedules should be stricken out of the bill, every item in those schedules would be in conference and the Senate conferees would have to deal with the House conferees with respect to each of them. I expect, if I shall live, to be a member of that conference committee, and I should like to have an expression of the opinion of the Senate upon the several House provisions which it is proposed by this motion to eliminate from the bill.

I do not see how any advantage is to be gained by the adoption of the motion and regretfully I am not going to vote for it. I wish that we might have confined the revision to agriculture. I wish the President had left out of his communication upon the subject the suggestion of extending it to a few industries "suffering from excessive foreign competition." But we have passed that stage now and we can not avoid it. It is inevitable. If it were not inevitable there is no better time than now, and we are never going to be better prepared to discuss the House provisions with respect to the increases in the industrial rates than we are to-day.

But I do not desire, Mr. President, to be confined, and I do not think Senators on this side of the Chamber and those on the other side of the Chamber who are cooperating with us desire to be confined, in our amendments to the rates carried in the Fordney-McCumber Tariff Act. Those rates are excessively high. Many of them are oppressive. Many of them are horribly unjust. They were made so rather because of the extraordinary conditions which confronted the committee and the Congress at the time of the passage of the Fordney-McCumber bill in 1922. We were just recovering from the greatest war of all history. The whole of Europe and nearly all of the civilized world were in a state of business and industrial and financial chaos. The currencies of most countries had almost depreciated to the vanishing point, and it was felt in fixing those rates that we could not very safely be guided by any former rule for measuring the degree of protection to which an industry was entitled. It was felt that in violation and disregard of the rules which ordinarily had controlled us in fixing tariffs we must fix rates so high as to guarantee the safety of American industries against any of the exigencies of that difficult and chaotic situation; so those rates were fixed exorbitantly high, too high. We want to get behind them in many instances and reduce the rates which obtained before that enactment. In order to do that we must have a broad latitude for action.

Mr. President, I do not feel, after making the fight we have made, that I want now to have to do all this work again, because if we do not go on and finish it now probably in the next session of the Congress or in the second session of the Congress we will have a bill before us for revision of the tariff and we will have to go over all the ground again and make all of this preparation again. I do not want to have to do that.

I think, Mr. President, moreover, that the country has heard enough and seen enough of what is going on in this Chamber and what went on in the sessions of the majority members of the committee when they framed the amendments to the House bill to want the rates discussed openly and to want to have all the light the Senate can possibly shed upon the rates, to have them thoroughly analyzed, scrutinized, exposed, and discussed. Therefore, I feel that I can not support the motion of the Senator from Oklahoma.

I desire to give notice, however, that if the motion shall be adopted I shall propose a resolution to this effect:

Resolved, That in any sessions of the Committee on Finance in the consideration of the bill or of amendments thereto—

Having reference to the motion of the Senator from Oklahoma—

the entire membership of the committee shall be permitted to be present and participate, and no action shall be taken by the committee, or any majority thereof, in regard to the bill or amendments thereto, unless the minority has had full and adequate opportunity to be present at and to participate in all such actions by the committee or majority thereof.

Mr. President, I recognize the fact that up to this time both parties when in power have made tariff bills through the action of the majority membership of the Ways and Means Committee of the House and have amended those bills through the action

of the majority membership of the Committee on Finance of the Senate. It is a practice that antedated the time when I became a Senator, and my service in the Senate runs back nearly 30 years. It was the practice when we made the Payne-Aldrich tariff bill. That practice was followed by the Democrats when we made the tariff bill of 1913. I was then chairman of the Committee on Finance. It has been followed in the making of every tariff bill during this century. But, Mr. President, it is a bad practice, and some things that have developed in the past few days that I do not now desire to discuss prove the fact that it is a bad and vicious practice. We ought not to hesitate to discontinue that practice when it is demonstrated that it is not wise.

If the amendments had been made by the full committee, of course, there would have been long, drawn-out discussions in the committee. There would have been majority and minority reports. One-half of the discussion to which the schedules will lead in the Senate would have been avoided, in my judgment, if the full membership of the Finance Committee had participated in the framing of the amendments.

The Senator from Utah shakes his head. Doubtless he does not agree with me; but, Mr. President, I am convinced, whether or not anyone else is convinced, that it is a bad practice; and if the motion of the Senator from Oklahoma prevails, I shall offer such a resolution as I have indicated. I did not rise to make a speech, but simply to make that statement.

Mr. NORRIS. Mr. President, if this motion had been made at the beginning of the tariff discussion some seven or eight weeks ago, I presume I would have voted for it, but since we voted on the Borah resolution we have been engaged in about two months of debate in the Senate on the administrative features of the pending tariff bill. Of that debate I think the historian will have to say that it has never been excelled either in time consumed, in intelligence displayed, or in results achieved so far as the administrative features of tariff legislation are concerned.

Mr. THOMAS of Oklahoma. Mr. President—

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Oklahoma?

Mr. NORRIS. I yield.

Mr. THOMAS of Oklahoma. Does the Senator from Nebraska understand that the motion proposes to strike out the administrative provisions of the bill which have already been passed upon?

Mr. NORRIS. No.

Mr. THOMAS of Oklahoma. Those provisions will be left in the bill as we have adopted them.

Mr. NORRIS. Yes. Now, Mr. President, let us think for a moment what we have put in the bill in the way of administrative features. In my opinion, some of the amendments which have been added to the bill contain the most important and most beneficial legislation that has ever been attached to a tariff bill. If the amendments already adopted shall remain in the proposed law, the time will never again come when in a general tariff revision there will be involved the trades, the jealousies, the logrolling, and other evils which have attended every tariff revision from the beginning of our Government. Those will be things of the past. We have put into the bill an amendment which will, without doubt, go far toward laying, if not completely laying, the foundation for a scientific tariff, something we have never had but which all honest, patriotic citizens have always wanted. It will go far toward the elimination of partisan politics in the making of tariff bills in the future, another thing that all our people, except a few machine politicians, have been anxious to obtain, and something that has always existed in the consideration of every tariff bill in the past.

In addition to that, Mr. President, we have put on an amendment which will give the consumers of the country representation before the Tariff Commission. We have also put on an amendment which I think will go far to relieve the distress of stricken agriculture.

It seems to me now, with a majority of the Senate in favor of such beneficent measures and amendments as those I have briefly outlined, when a majority of the Senate who are in favor of those things are here, we ought to be willing to confront the question of rates, for under existing circumstances I believe we can approach the consideration of rates with a fair hope, at least, that we shall remedy some of the glaring evils that exist in the present law.

We have a law that is practically prohibitive so far as importations are concerned. Only about 3 or 3½ per cent of manufactured articles used in this country are imported. If we consider it from the broad viewpoint, as we ought to do of American citizens, thinking not of one class but of all classes of our people, and still believing in a protective tariff, it seems to me that we can not be confronted with that statement, ad-

mitted to be true, without realizing that we have carried the protection theory to an extreme; that we have made it possible on this side of the tariff wall to build up monopolies and trusts, a danger which always comes from a tariff wall that is unreasonably high. So it seems to me that it is our duty, in view of what has been accomplished, to go on through and try to accomplish more good of the same kind by reducing some of the exorbitant rates in the present law.

If, Mr. President, we are going to consider it only from the standpoint of the welfare of agriculture, if we are going to consider only the interests of the farmer, to my mind it is more important that we should reduce some of the high rates which the farmer has to pay and which constitute a part of his cost of living than it is to increase rates on agricultural products. Rather than to confine the bill to the agricultural schedule, I believe we can do more good to stricken agriculture by putting the farmer in a world where there is some equality, where he will not be required to pay the exorbitant prices which he must pay when he is this side of the tariff wall, many of those prices built up and maintained by monopolies and combinations, and then be compelled to sell his surplus products in the world market on the other side of that tariff wall. And because I see hope ahead that the Senate will be able to frame out of the pending bill a measure which will meet these contingencies and will accomplish some of the things which I have outlined, I am opposed to the pending motion.

It is said that we have devoted too much time to the debate on the tariff bill. Mr. President, I do not believe there has ever been a tariff bill considered where the debate has been more fairly and honestly confined to the bill itself than it has been to this one. It has taken a great deal of time, as must necessarily be the case unless we apply a gag rule and let a few men decide what this legislative assembly ought to decide for itself. We have taken a great deal of time, but, as I have said, we have put into this bill some things which, if it shall become a law, will make it unnecessary for the Senate or the Congress in the future to take the same amount of time; which will make it possible for them to consider every schedule upon its own merits; which will make it impossible to trade one schedule for another and to bring into play partisan considerations and drive men because of party feeling either this way or that way; in other words, which will bring about such a condition that Congress will consider the tariff upon the high moral basis of efficiency, and every schedule will be considered according to its merits and demerits. Having accomplished that much, which, it seems to me, is worth more to the country than anything that has ever been accomplished in any tariff bill heretofore, we ought to go on, Mr. President, and take up the schedules and give additional relief to those who are suffering on account of unreasonably high and exaggerated tariff rates.

Mr. ROBINSON of Arkansas. Mr. President, I regret to find myself not able to support the proposition advanced by the Senator from Oklahoma [Mr. THOMAS]. Briefly, let me give some of the reasons which impel me to the conclusion that the motion to recommit as submitted by him should not prevail.

About June 17 last the Senate, after a very prolonged debate, defeated a resolution which sought to instruct the Finance Committee to limit the provisions of the proposed tariff law, in so far as its action was concerned, to the agricultural and directly related schedules. The contest was very close. That debate revealed that a large number of Senators thought that the primary purpose of the revision of the tariff at this time was to afford an additional measure of relief to farmers. The decision, however, by 1 vote was against the resolution of the Senator from Idaho [Mr. BORAH]. Thereafter the Senate proceeded upon the theory that the whole subject matter of the tariff was open to review and to revision, and, as has been stated by the Senator from North Carolina [Mr. SIMMONS] and the Senator from Nebraska [Mr. NORRIS], much water has gone over the dam since that time. It does not seem to me that any wholesome end would be accomplished by adopting the motion.

While it is true that the motion does not expressly rescind the action of the Senate with respect to the administrative provisions, there is one feature of that motion which seems to imply that it is the intention and purpose of the mover of the motion to accomplish that end. I call attention to the following language:

And provided further, That, when the consideration of said bill is completed in the Senate and before final passage, said Finance Committee is hereby authorized and requested to amend section 648, relating to repeals, so as to make said section conform to the action of the Senate.

The Senate having already taken action, as I understand, on section 648, and the motion expressly instructing the members of the committee to confirm the action of the Senate, the ques-

tion naturally arises in one's mind as to what would be the effect touching the administrative provisions of the bill. Let it be assumed, however, that nothing in the motion contravenes the action that has already been taken, and that, in so far as the Senate has made progress in the consideration of the measure, the motion to recommit would not directly overrule or reverse that action; yet, if the bill be recommitted to the Finance Committee, the same opportunities for amendment and for discussion would be afforded after the report by the committee as are afforded now.

Under the existing procedure we may proceed to revise all existing tariff rates if the Senate chooses to do so. It has long been my belief that a reduction of many industrial tariff rates would operate as a measure of substantial relief to the agricultural producers of the Nation. On the whole, it seems that they would be more benefited by that procedure than by slight increases in rates in the agricultural schedule, offset or more than offset by substantial increases in the industrial rates.

The Senate having determined by orderly procedure that it would not confine its action to the agricultural schedule, and having proceeded on the theory that all rates are open to revision, it is my conclusion that the best method to pursue is to go forward with the work and fight out the issues involved in these rates.

Many events have occurred to discredit this bill. In my judgment the circumstances strongly support the proposal which the Senator from North Carolina [Mr. SIMMONS] has espoused; namely, of changing the policy that has been pursued for a great many years of treating the tariff as so exclusively political in nature that minority members of the committee can not even be present when the bill is really being framed for the consideration of the Senate. Whoever may be responsible for that practice, it ought to be abandoned. Certainly Members of this body who are representative of the minority are better entitled to participate in the making of the bill by the Finance Committee than are the representatives of lobbyists who have no direct relationship to the interest and the welfare of the country or the public, and who presumably serve their employers first, last, and all the time.

The proceedings of the Senate during the past 60 days have demonstrated the fact that the power exists here to make these rates justly reflect the sentiment of the Senate, in spite of the action of the majority members of the Finance Committee. I think it would only result in confusion and retrogression to recommit the bill under the existing conditions.

For that reason I shall withhold my support of the motion.

Mr. BLEASE. Mr. President, I think the Senate of the United States has been for some days past and is now going through one of the greatest farces ever enacted upon the political stage in the history of the American Nation. I shall not say all I think; but I wish it were possible for all of the people of this Nation to sit in these galleries and see, and listen, and hear.

At the last session certain people stood here and fought for a debenture. We were led to believe that if we stood by our guns and fought, something would come of it. We stood by. The most farcical thing that I have ever seen in legislation, with an experience beginning in 1890 as a beardless boy, was carried on in this body; and when the House declined to accept our proposition—and I am criticizing nobody; every man has a right to do as he pleases, and to think as he pleases—instead of fighting and standing as the Democratic Party of this Nation, if there be such a party, we lay down, quietly wrapped our little blankets around us, and, as I see it, cowardly sneaked off.

No wonder the Democratic Party can not win a victory! No wonder she can not elect a President! No wonder the American people say to the Democratic Party, when she offers a candidate, "Away with you!" We have been led to the slaughter pen time after time, and time again.

Mr. President, I believe in the Democratic doctrine. I believe, first of all, in the Constitution of the United States—of course, second to God. I believe next in white supremacy, regardless of what may be the consequences, or what it takes to bring it about. I believe in the doctrine of allowing the majority of the people of this country to rule this country; but I do not believe, nor will I ever believe, in lying down in a fight. If you go into a fight, do as the Confederate soldiers did—fight until you perish or are overpowered—but never turn your back to the enemy and run in any fight. I think the Democratic Party to-day ought to stop this coalition unless they are going to carry through to the finish; and, if we are going to vote with somebody else, let us carry it all the way.

I remember when I came here, Mr. President—and it will be found in the Record—that I advocated the Democrats and progressives taking charge of the Senate, electing all the officers, and electing the chairmen of the committees; and what

was I told? I can not use all the language. I was told not to trust the progressives; that they could not be trusted; that I was making a mistake in advising making a coalition with them and taking charge of the Senate. Some of the remarks made at that time would not be very complimentary if I were to repeat them. Yes, the Democratic Party is defeated, and she always will be defeated unless she changes her leadership; and you will stay defeated unless you change it.

Why should we come on this floor one week and vote for one thing, and come back another week and vote to reverse our action? Why should we come here at one time in a coalition, and at another time refuse to carry it out? Why should we switch like a horse's tail from one side to another? I am tired of it, so far as I am concerned. I am absolutely disgusted with it. The people of this country are disgusted with it. My State is disgusted with it. We want to see principles rise above party. We want to see principles rise above individuals. We want to see principles stand here in the Senate and fight for the people of this country.

I ask permission to have printed in the Record, if you please, to-morrow, the roll call on the opium vote on September 23. I ask permission to have printed in the morning's Record the yea-and-nay vote found on page 3865, in order that the people of this country may see how some Senators voted then and how they voted to-day, and let them explain to the people why they vote one time one way and another time another way.

Mr. President, this country is watching. You need not be fooled. You may think you are deceiving the people, but you are not deceiving them, and you did not deceive them in the last three presidential elections, when they turned their backs on the Democratic Party and put a Republican in the White House; and they will keep on putting Republicans there if we keep following the policies and following the trail that we are limping along behind to-day.

This is plain talk. I hate to say it, but I am tired of the present condition. I want my people in South Carolina to know what is going on. I want my people in South Carolina to know just exactly some of the things that are being mingled together in this body.

Why, Mr. Hoover will not sign your bill if you passed it. You all know exactly how much use I have for him, but I do not think he is a fool. I do not think any fool could be President of the United States of America, even if he did have to beat the old-line Republicans and make them take a back seat in order to get the office. But do you suppose he is going to sign a bill when you take away from him powers that he already has under another law? Why, you might just as well adjourn to-morrow, and let these western Senators go home and get their mileage between sessions, as to stay here and expect yourselves to go along any such line as that. Why not deal fairly with the people? Why not deal squarely with the people? Why not let the people know what is going on in the open forum and not in committee rooms and not in caucuses and not in places where they or their representatives are not allowed to come, and are not even invited?

Why, of course, Mr. Hoover will call together, when he gets ready, his conferees, his friends, and fix tariff rates under the present law.

Why would he sign a bill like this, if it should be passed, when he can wait until you get home, and right after Christmas, if he sees fit, or at any time, call his conferees around him and write his own tariff? Do you think he is going to sign such a bill and pitch himself into the wastebasket? Do you think he is fool enough to sign a bill and say he shall have no power, that he does not amount to anything, that he is just a little husk? No; he thinks he is Mussolini, and I think myself he is, to a certain extent.

What is the use trying to fool the people of this country? Let us come out and be men. It took four hours' discussion to reverse enough Senators to have an amendment adopted this morning. It took four hours of the people's time. Why? I am not criticizing anybody—just giving my own personal views as a Senator to the people of this country. I want them to know. I want them to open their eyes. I want them to begin to look around. I want them to begin to think. That is why I rose.

Why should we not just be frank? I leave it to the chairman of the Finance Committee. I do not expect him to say so, because he is too wise a statesman, but he knows that if this bill goes through as the Senate has amended it, Mr. Hoover is not going to sign it. Of course he knows that, and he knows he has enough men on this floor to keep from passing it over Mr. Hoover's veto, and many times more than enough in the House.

What is the use staying here another month and wrangling and jangling about something we know is not going to amount

to anything? Why not come down to brass tacks, you leaders on both sides, and get together and decide what you are going to do and quit trying to deceive the American people, quit trying to deceive the American public. That is my idea. As I have said, when Mr. Hoover gets ready he will call his conferees together and write his own tariff, in accordance with the present law. He is not going to allow you to push down his throat such a bill as this. If he should agree to that, I would have to say that he is a bigger fool than he was when he was Food Administrator under Woodrow Wilson.

These are just a few remarks that I have kept in my vest just about as long as I could hold them. I just want the American people to open their eyes. If they agree with me, all right; if they do not agree with me, I have no objection. The only people who have to pass on me are those of the State of South Carolina, and up to the present date I know positively they are on my side. But I want the people to begin to look after these things. I want them to begin to write to their Senators. I want them to begin to call attention to some things.

Senators in this Chamber are honest; they are good men; they are the brainiest men of their States or they would not be here. What is the use of their jockeying like stable boys deciding which horse they are going to hold back in order to let another win? Stop trying to fool the people with this farce that is going on here day by day, and let us get to work and do something that will aid our people. That is what we were called here for, and let us be true to our trusts.

The VICE PRESIDENT. Without objection, the record of the roll call will be printed, as requested by the Senator from South Carolina.

The record is as follows:

(CONGRESSIONAL RECORD, September 23, 1929)

The VICE PRESIDENT. The Secretary will state the pending amendment.

The CHIEF CLERK. The first amendment of the committee to section 584 is, on page 446, line 13, to strike out the words "or the owner of such vessel or vehicle."

The VICE PRESIDENT. The Secretary will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. BLAINE (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. HATFIELD]. I understand if he were present and voting he would vote "yea." Whether that be correct or not, I refer the question to the senior Senator from West Virginia [Mr. GOFF]. If I were permitted to vote, I should vote "nay."

Mr. GOFF. Mr. President, I understand that if the junior Senator from West Virginia [Mr. HATFIELD] were present he would vote "nay"; and I make the statement in view of the inquiry made by the Senator from Wisconsin [Mr. BLAINE].

Mr. BLAINE. In view of the statement made by the senior Senator from West Virginia in respect to his colleague, that the junior Senator from West Virginia [Mr. HATFIELD], if present, would vote the same way that I intend to vote, I desire to be recorded. I vote "nay."

Mr. SCHALL (when Mr. SHIPSTEAD's name was called). My colleague the senior Senator from Minnesota [Mr. SHIPSTEAD] is still unable to be here on account of illness. I ask that this announcement may stand for the day.

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Ohio [Mr. BURTON]. He is absent, I understand, on account of illness. In his absence I withhold my vote.

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. SMITH]. If he were present, I do not know how he would vote. I am unable to obtain a transfer, and therefore withhold my vote. If permitted to vote, I should vote "yea."

The roll call was concluded.

Mr. ROBINSON of Indiana. I have a general pair with the Senator from Mississippi [Mr. STEPHENS], and therefore withhold my vote.

Mr. GLASS. I have a general pair with the senior Senator from Connecticut [Mr. BINGHAM]. In his absence, and not knowing how he would vote if present, I withhold my vote. If at liberty to vote, I should vote "nay."

Mr. BROUSSARD. I have a general pair with the Senator from New Hampshire [Mr. MOSES]. I am told, if present, he would vote the same way I intend to vote. I will therefore vote. I vote "yea."

Mr. WALSH of Massachusetts. I desire to state that the junior Senator from Utah [Mr. KING] is absent on account of illness. If he were present, he would vote "yea."

Mr. MCKELLAR (after having voted in the negative). I have a general pair with the junior Senator from Delaware [Mr. TOWNSEND], who is absent. I transfer that pair to the senior Senator from Minnesota [Mr. SHIPSTEAD], who, as I am advised, if present, would vote as I have voted, and will let my vote stand.

Mr. FESS. I desire to announce that the Senator from Connecticut [Mr. WALCOTT] is paired with the Senator from South Dakota [Mr. NORBECK].

The result was announced—yeas 23, nays 54, as follows:

YEAS—23

Broussard, Dale, Edge, Gillett, Glenn, Goldsborough, Gould, Greene, Hale, Hastings, Hebert, Kean, McNary, Metcalf, Phipps, Ransdell, Reed, Shortridge, Smoot, Steiwer, Thomas of Idaho, Walsh of Massachusetts, and Warren.

NAYS—54

Allen, Ashurst, Barkley, Black, Blaine, Blease, Borah, Bratton, Brock, Brookhart, Capper, Caraway, Connally, Couzens, Dill, Fess, Fletcher, Frazier, George, Goff, Harris, Harrison, Hawes, Hayden, Hedlin, Howell, Johnson, Jones, Kendrick, Keyes, La Follette, McKellar, McMaster, Norris, Nye, Oddie, Overman, Patterson, Pine, Pittman, Robinson of Arkansas, Sackett, Schall, Sheppard, Steck, Swanson, Thomas of Oklahoma, Trammell, Tydings, Vandenberg, Wagner, Walsh of Montana, Waterman, and Wheeler.

NOT VOTING—18

Bingham, Burton, Copeland, Cutting, Deneen, Glass, Hatfield, King, Moses, Norbeck, Robinson of Indiana, Shipstead, Simmons, Smith, Stephens, Townsend, Walcott, and Watson.

So the amendment was rejected.

Mr. THOMAS of Oklahoma. Mr. President, I want to take just a moment to reply to some of the objections made to this proposal.

The motion just made seeks to strike from the pending bill the industrial rates, seeks to give the Senate a chance to raise the agricultural rates to such an extent as to place the farmer upon an equality or parity with industry.

I doubt if my distinguished friend the Senator from Nebraska is such an optimist as to believe that we will be able to reduce the rates in existing law. My only hope was to keep those rates from being raised. This motion, if agreed to, will keep the present industrial rates from being raised unless they are raised upon this floor.

Mr. McMASTER. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I yield.

Mr. McMASTER. The Senator speaks about the Senator from Nebraska being an optimist about lowering the rates. It seems to me the Senator from Nebraska has a perfect right to look forward to a proposition of that kind, because he has only to remember back some 18 months ago, when the Senate, by a vote of 52 to 32, by a majority of 20, decreed that the rates of the act of 1922, at least the excessive schedules, should be lowered.

Mr. THOMAS of Oklahoma. I wish to say, in reply, that I shall be very glad to join in reducing the rates in the law of 1922, but I do not believe that the 1922 rates can be reduced at this time. I did have hopes that we might prevent those rates from being raised. It is much easier to keep the present rates from being raised than it is to reduce the rates in existing law.

At the present time we have a majority of the States of this Nation agricultural; at least, the people of those States believe they are agricultural States. They may be fooled. They will soon find out whether or not they are mistaken. They have lost control of the other branch of the Congress. The other branch is controlled by industry, controlled by the great cities of this country, and that is natural. I do not complain at that economic development. It is here; it can not be avoided. The other branch will never again be an agricultural body. It will never again be controlled by the farmers of this Nation. But the Senate is differently constituted. The majority of the States of this Nation are agricultural States, and if the farmers of America can not control the agricultural States, what hope have they for favorable legislation at the hands of the American Congress?

We have had this fight for months. I desire to bring the issue up again for the specific reason that 18 Senators were not here last June. At that time 20 per cent of this body was absent. I make no complaint of the absence of Senators. But those Senators did not vote, and they are entitled to be recorded upon this question. I do not know how the 18 Senators would have cast their votes had they been present. They have a chance to vote now. The Senate is rather liberally attended these days, and I thought it only fair to the farmers of the United States that the one branch, and the only one to which they now can look with any degree of hope, might have an expression upon this proposal.

I will make this prophesy, that if this motion does not carry you will not reduce the rates of existing law, you will not be able to muster upon this floor sufficient votes even to reduce many of the increases proposed in the pending bill.

There are only two ways in which the farmer can be helped—one by increasing the rates upon his products, the second by decreasing the rates upon the things he has to buy.

If this motion should prevail we will at least keep the rates where they are now and have a chance to increase the rates upon the farmer's products where they will help him. That would apply to only a few minor schedules.

Mr. President, as I said a moment ago, this issue has been before the Senate and before the Congress for years, and for the past five months I think almost daily, and I now submit the issue and ask for a vote upon my motion.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Oklahoma [Mr. THOMAS].

Mr. REED. I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. BLAINE (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. HATFIELD]. Being unable to obtain a transfer, I withhold my vote.

Mr. BLEASE (when his name was called). I have a pair with the senior Senator from West Virginia [Mr. GOFF]. Not knowing how he would vote, I withhold my vote.

Mr. CARAWAY (when his name was called). I have a pair with the senior Senator from Illinois [Mr. DENEEN]. I can not get a transfer and withhold my vote.

Mr. McKELLAR (when his name was called). I have a pair with the senior Senator from Delaware [Mr. HASTINGS], and I withhold my vote.

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Ohio [Mr. BURTON]. I am advised that if he were present he would vote as I intend to vote. Therefore I vote. I vote "nay."

Mr. TYDINGS (when his name was called). I have a general pair with the senior Senator from Rhode Island [Mr. METCALF]. I understand he would vote as I shall vote, and I therefore am at liberty to vote. I vote "nay."

Mr. WATSON (when his name was called). I transfer my pair with the senior Senator from South Carolina [Mr. SMITH] to the junior Senator from Maine [Mr. GOULD] and vote "nay."

The roll call was concluded.

Mr. JONES. I desire to announce that the Senator from Idaho [Mr. THOMAS] is necessarily absent on official business. If present and permitted to vote, he would vote "nay."

Mr. BINGHAM. I have a general pair with the Senator from Virginia [Mr. GLASS]. Not knowing how he would vote, I transfer my pair to the Senator from Idaho [Mr. THOMAS] and vote "nay."

Mr. FESS. I desire to announce that the Senator from Delaware [Mr. TOWNSEND] has a general pair with the Senator from Montana [Mr. WHEELER].

Mr. WALSH of Montana. I announce the unavoidable absence of my colleague [Mr. WHEELER] on official business.

Mr. BROUSSARD. I wish to announce that my colleague [Mr. RANSDELL] is necessarily detained from the Senate on official business, and that if he were present he would vote "nay."

Mr. WAGNER. I desire to announce that my colleague the senior Senator from New York [Mr. COPELAND] is necessarily absent from the city.

The result was announced—yeas 10, nays 64, as follows:

YEAS—10			
Frazier	McMaster	Schall	Waterman
Harris	Nye	Sheppard	
Howell	Pine	Thomas, Okla.	
NAYS—64			
Allen	Edge	Kendrick	Sackett
Ashurst	Fess	Keyes	Shortridge
Barkley	Fletcher	King	Simmons
Bingham	Gillett	La Follette	Smoot
Black	Glenn	McNary	Steck
Borah	Goldsborough	Moses	Stephens
Bratton	Greene	Norbeck	Swanson
Brock	Hale	Norris	Trammell
Brookhart	Harrison	Oddie	Tydings
Broussard	Hawes	Overman	Vandenberg
Capper	Hayden	Patterson	Wagner
Cannally	Hebert	Phipps	Walcott
Couzens	Heffin	Pittman	Walsh, Mass.
Cutting	Johnson	Reed	Walsh, Mont.
Dale	Jones	Robinson, Ark.	Warren
Dill	Kean	Robinson, Ind.	Watson
NOT VOTING—21			
Blaine	George	McKellar	Thomas, Idaho
Bleas	Glass	Metcalf	Townsend
Burton	Goff	Ransdell	Wheeler
Carraway	Gould	Shipstead	
Copeland	Hastings	Smith	
Deneen	Hatfield	Steiwer	

So the motion of Mr. THOMAS of Oklahoma was rejected.

The VICE PRESIDENT. Are there further amendments to Titles III or IV?

Mr. KING. Mr. President, I am not sure whether the amendment I am about to propose is to Title III or Title IV. I desire to offer an amendment on page 309, section 330, line 15, where I move to strike out the numerals "\$12,000" and insert in lieu thereof "\$10,000," so it will read, relating to the Tariff Commission, as follows:

Each commissioner, including members in office on the date of the enactment of this act, shall receive a salary of \$10,000 a year.

Mr. President, a brief reference was made to the proposed amendment a few days ago when the question was presented as to the salary of the consumers' counsel. I find that the Chief of the Bureau of Efficiency has a salary of \$9,000 a year. The Chief of the Employees' Compensation Commission receives \$8,500 a year. The Commissioner of Education receives \$9,000 a year.

The head of the Geological Survey receives \$9,000 a year. He did receive \$7,500, but under the reclassification act the amount was increased. I doubt when that act was passed that it was anticipated that salaries which were created specially by statute for particular positions should fall within that category, but at any rate it has been so construed, and this salary was increased accordingly.

The Commissioner of Patents receives \$9,000 a year. The Commissioner of the General Land Office, handling as he does millions of acres of public domain and matters of very great importance to the Government, has a salary of \$9,000.

Civil Service Commission: Some do not believe that the Civil Service Commission is very important, while others regard it as one of the most important in the Government. The salaries of the commissioners are \$9,000 each.

Members of the Tariff Commission by law receive \$7,500 each. Mr. SIMMONS. Mr. President, does the Senator have salaries of the members of the Interstate Commerce Commission?

Mr. KING. Yes; I have them and will come to them in just a moment.

The salaries of the members of the Tariff Commission were placed at \$7,500. No one contends that the members of the commission as at first selected and for a number of years thereafter were not men of the highest ability. I doubt whether the President of the United States will be able to find abler men than those constituting the commission soon after the law was enacted. By the classification act, not by statute, but in contravention as I believe of the statute, their salaries were increased to \$9,000, so they are now receiving \$9,000 each.

The Federal Trade Commission is an organization of very great importance. I have heard the statement repeatedly made by Senators that there is no Federal agency more important than the Federal Trade Commission. The salaries of the members of the Federal Trade Commission are fixed at \$10,000 each.

Senators will recall that when the Board of Tax Appeals was created to pass upon very important questions, questions of such character as to call for legal ability of the highest order, the salaries were fixed at \$10,000 each.

The Federal Radio Commission—I am sure the Senator from Washington [Mr. DILL] will regard that as one of the most important commissions in the Federal Government. Members of that commission receive \$10,000 each.

Mr. TYDINGS. Mr. President—

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Maryland?

Mr. KING. I yield.

Mr. TYDINGS. The salaries of members of the Tariff Commission were fixed at \$7,500 a year. Under the Welch Act they were given an increase, so that they now receive \$9,000. If the Senator's amendment is adopted, can he tell me whether or not the Welch Act would then apply?

Mr. KING. In my opinion if we pass the pending bill it would supersede, so far as the Tariff Commission is concerned, the Welch Act. It would repeal pro tanto the provisions of the act under which the commissioners are now receiving \$9,000. It would be an act later in time and, of course, would repeal, pro tanto at least, the Welch Act under which the commissioners now receive the salaries referred to.

Mr. TRAMMELL. Mr. President—

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Florida?

Mr. KING. I yield.

Mr. TRAMMELL. If the Welch Act should apply in case of the adoption of the Senator's amendment, it would still apply to the salary fixed in this paragraph originally. If it would increase the \$10,000 as proposed by the Senator, it would also raise the \$12,000 proposed in the bill, because the Senator's amendment would become a part of the paragraph instead of the language now in the bill.

Mr. TYDINGS. My question was directed to taking care of an oversight that might remain unless the language contained in the provision were changed so that there should be a saving clause in it that the Welch Act should not apply. Otherwise it would be a \$12,000 salary anyhow although Congress had fixed the salary at \$10,000 in the law.

Mr. KING. May I ask the Senator whether the Welch Act gives to the commission salaries of \$12,000?

Mr. TYDINGS. The salary of members of the Tariff Commission is fixed by law at \$7,500. The Welch Act was so construed that the tariff commissioners came within the limit of that act, and therefore they were given an increase by that act of some \$1,500 a year, so that to-day, although they are theoretically, according to law, entitled to salaries of \$7,500 a year, yet without being specifically named they receive a \$1,500 increase, and are to-day drawing \$9,000 a year.

Mr. KING. I am aware of that fact; but I ask the Senator under what theory he contends, if he does contend, that they would receive \$12,000 if we inserted in the bill a provision that their salaries should be \$10,000?

Mr. TYDINGS. The old law, for example, contained a provision that their salaries should be \$7,500 a year, and notwithstanding that the law fixed their salaries at \$7,500 they are actually getting \$9,000 a year by virtue of the Welch Act.

Mr. KING. Does the Senator contend that the Welch Act would increase to \$12,000 the \$9,000 which they are now receiving, or would increase to \$12,000 the salary if we should fix it at \$10,000?

Mr. TYDINGS. The \$9,000 which they are now receiving is taken in part from the Welch Act, which provides \$1,500 of the \$9,000, the basic salary of the commission fixed by law being \$7,500.

Mr. KING. I am aware of that; but I am at a loss to comprehend the ground which the Senator takes, if he does take that position, that if we fix the salary at \$10,000 in the bill now before us and it shall become the law, automatically their salaries will be increased to \$12,000 under the Welch Act.

Mr. TYDINGS. I do not know that the Welch Act would apply if the salaries were fixed at \$10,000. My inquiry was directed to the Senator so that before we conclude its consideration this phase of the matter would be covered, because Senators would not want to vote for the amendment unless possible application of the Welch Act provision were eliminated.

Mr. KING. If there were any possibility of that interpretation being placed upon the Welch Act, if it were possible that it might add \$1,500 to the proposed salary of \$10,000, then obviously the position of the Senator is correct and the amendment which I have offered should carry with it another provision.

Mr. TYDINGS. My suggestion, if the Senator will permit me further, is that before the amendment is finally voted upon the Senator from Utah, who has looked up the subject, should make sure that the Welch Act does not apply and that the Tariff Commission, in the event we fix the salary at \$10,000, will not under the Welch Act automatically be increased as I have suggested.

Mr. SMOOT. Mr. President—

The VICE PRESIDENT. Does the junior Senator from Utah yield to his colleague?

Mr. KING. I yield.

Mr. SMOOT. I can assure the Senator from Maryland that there will be no increase beyond the \$10,000. The reason why the tariff commissioners' salaries were increased was because Congress passed the reclassification act and they fell into the \$9,000 class. Before that time they fell in the \$7,500 class. There is no class under the civil service that is above \$10,000, so they could not possibly receive more than \$10,000 under any construction of the classification act.

Mr. TYDINGS. Mr. President, will the junior Senator from Utah yield further?

Mr. KING. That is the view which I have entertained. I yield further to the Senator from Maryland.

Mr. TYDINGS. I think that is correct. However, my question was impelled by the thought that when the Welch law was originally enacted it was thought that it would apply only to persons in the Government service who were drawing very small salaries. When the law was actually applied, those who were getting the higher salaries under the Government obtained the increases, while those for whom the legislation was passed got nothing or very little.

Mr. SMOOT. I wish to call to the attention of the Senate the fact that I so stated at the time, but nothing was done, and there was not any question about the classification. The classification board could not have given any other decision than they did. That is why not all but nearly all of the \$7,500 salaries were increased to \$9,000.

Mr. KING. Mr. President, I have no desire to consume the time of the Senate in support of my motion if I can receive some indication from Senators upon the floor that they will accept the amendment. Let me ask the chairman of the Finance Committee if he will not accept the amendment and save debate?

Mr. SMOOT. I can only accept the amendment in this way: I will allow it to go to conference and let the conferees decide. Then, we can look up the question here as to the salaries of all others who are doing similar work.

Mr. KING. I think the proposition of my colleague is fair, and with that understanding I will not speak further.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the junior Senator from Utah [Mr. KING].

The amendment was agreed to.

Mr. KING. Mr. President, before I take my seat, I desire to say that the other day I offered an amendment dealing with the question of unfair practices, and I stated during the discussion that I would confer with the chairman of the Finance Committee, the Senator from Pennsylvania [Mr. REED], and Mr. Wood, representing the drafting service, and see if an agreement could not be reached or an amendment could not be prepared that would be acceptable to all. I shall not now take the time of the Senate to discuss the matter, but I desire the chairman of the committee to know that I hold the subject in abeyance and will direct the attention of the Senate to it before the bill leaves the Committee of the Whole.

The VICE PRESIDENT. The next provision in order is Title I.

Mr. WALSH of Massachusetts. Mr. President, I desire to call the attention of the Senator from Utah [Mr. SMOOT] to paragraph 1799, in the free list, on page 273, providing an exemption to residents of the United States who travel abroad and who bring into the country souvenirs or articles for personal or household use. The exemption has been heretofore \$100. It is provided in that paragraph that it shall be \$200. Is there anything in the administrative features of the bill to the same effect?

Mr. SMOOT. No; I do not think it is necessary.

Mr. WALSH of Massachusetts. So that we may consider the matter when we reach paragraph 1799 of the free list.

Mr. SMOOT. Yes.

Mr. WALSH of Massachusetts. I thank the Senator.

Mr. DILL. Mr. President, I wish to ask the Senator from Utah a question about the procedure, or possibly I should ask the Chair. In the schedules there are certain amendments which have been reported by the Committee on Finance. Will those amendments be subject to amendment when they come before the Senate?

The VICE PRESIDENT. They will be subject to amendment.

Mr. SMOOT. They are subject to amendment at any time while the bill is before the Senate and preferably should be presented while the various schedules are being considered. In other words, the Senate committee amendments will be considered in order and then as soon as the chemical schedule has been completed, so far as the committee amendments are concerned, whatever amendments individual Senators may desire to present may be offered.

Mr. DILL. That is what I want to get clear. The Senate committee amendments are to be considered before any individual amendments shall be offered, but when a schedule is under consideration and an amendment increasing or reducing a rate is pending may an amendment be offered from the floor to the amendment reported by the committee?

Mr. SMOOT. Certainly.

The VICE PRESIDENT. An amendment to the amendment may be offered, and the Chair will suggest that it should be proposed before the committee amendment shall be acted upon.

Mr. BARKLEY. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Kentucky will state his parliamentary inquiry.

Mr. BARKLEY. I understood that the resolution offered by the Senator from North Carolina [Mr. SIMMONS] some time ago, which fixed the procedure in the consideration of this bill, provided that all committee amendments to the schedules should be concluded before amendments would be in order from the floor.

Mr. SMOOT. Yes; that is true.

Mr. BARKLEY. As I understand, it provided that the Senate committee amendments to all schedules should be considered first and then we should go back to the first of the bill and offer amendments from the floor to portions of the bill to which the Senate Committee on Finance had not proposed amendments. Is that correct?

Mr. SMOOT. No; the schedules are to be taken up in their order. Schedule 1, the chemical schedule, will be first considered, and the Senate committee amendments will be disposed of to that section. When the Senate committee amendments shall be acted on, then individual amendments may be offered.

Mr. BARKLEY. In other words, each schedule will be finally completed before proceeding to the next one.

Mr. SMOOT. Each schedule will be completed before taking up the one which follows.

Mr. BARKLEY. That is not the way I understood the original request.

Mr. SMOOT. That is, I think, the proper way in which to proceed.

The VICE PRESIDENT. If the Senator will permit the Chair to interrupt him, the Chair will suggest that the agreement did not so provide. It provided only for Titles III and IV, and if the chairman of the committee desires an understanding that the committee amendments shall be first considered in the remaining portions of the bill unanimous consent should be asked for that purpose.

Mr. SMOOT. I made such a request, and I thought it had been consented to when we took up the bill, and I did not know that any change had been made other than as to Titles III and IV. If there is any doubt about it, I will make the request again in the same form in which it is made in connection with appropriation bills. I ask unanimous consent, Mr. President, that in considering the schedules and the free list of the pending measure committee amendments shall be first considered, and that when a schedule shall have been completed so far as committee amendments are concerned, then individual amendments may be offered to that schedule while it is under consideration.

Mr. WALSH of Massachusetts. That is very good.

Mr. DILL. What will be the procedure if the unanimous-consent agreement shall not be made?

Mr. SMOOT. We will have to go on then in a haphazard way, and it will be possible for individual amendments to be offered from the floor at any time. I wish to say to the Senator that the method which I have suggested is the orderly way of proceeding, and I think is the course which ought to be followed, because in that way amendments will be considered while the subject matter is before the Senate and while speeches are being made upon it. Each schedule ought to be completed by itself, and then we should go to the schedule which follows.

Mr. DILL. As I understand the rules of the Senate, if an amendment of the Senate Finance Committee, such as the one on page 2, where a rate of 6 cents is cut to 4 cents a pound, is pending, and I desire to offer an amendment to make the rate 3 cents in preference, I would be in order in making such a motion.

Mr. SMOOT. The Senator would be in order.

Mr. DILL. I do not want any unanimous-consent agreement to take away that right.

Mr. SMOOT. The Senator will have the right to move to make the rate 1 cent or 10 cents, or any other amount.

Mr. BARKLEY. Or to put the item on the free list?

The VICE PRESIDENT. The Chair will suggest that the proposed unanimous-consent agreement would not take away that right from the Senator. Is there objection to the request of the Senator from Utah?

Mr. SIMMONS. Mr. President, my understanding is that under the general rule we would consider first committee amendments and then we would go on through the committee amendments in the next schedule, and so on. The Senator asks unanimous consent that we may finish each schedule separately; that is, that we shall dispose of the committee amendments and any amendment which may be offered from the floor while a given schedule is pending. I am not prepared right now, Mr. President, to assent to that or to dissent from it. I will ask the Senator if he will not withhold that request until the morning?

Mr. SMOOT. I will gladly do so. We can go on with the bill just as it is until we can agree on to-morrow as to some procedure.

The VICE PRESIDENT. The Secretary will state the first amendment to Title I.

The CHIEF CLERK. Under the heading "Title I—Dutiable List," on page 2, line 1, after the name "Virgin Islands," the Committee on Finance propose to strike out "and the islands of Guam and Tutuila" and insert "American Samoa, and the island of Guam," so as to read:

SECTION 1. That on and after the day following the passage of this act, except as otherwise specially provided for in this act, there shall be levied, collected, and paid upon all articles when imported from any foreign country into the United States or into any of its possessions (except the Philippine Islands, the Virgin Islands, American

Samoa, and the island of Guam) the rates of duty which are prescribed by the schedules and paragraphs of the dutiable list of this title, namely.

Mr. LA FOLLETTE. I suggest the absence of a quorum.

The VICE PRESIDENT. The absence of a quorum being suggested, the clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Fletcher	La Follette	Simmons
Ashurst	Frazier	McKellar	Smoot
Barkley	George	McMaster	Steck
Bingham	Gillett	McNary	Steiwer
Black	Glenn	Metcalf	Stephens
Blaine	Goldsborough	Moses	Swanson
Blease	Gould	Norbeck	Thomas, Idaho
Borah	Greene	Norris	Thomas, Okla.
Bratton	Hale	Nye	Townsend
Brock	Harris	Oddie	Trammell
Brookhart	Harrison	Overman	Tydings
Broussard	Hawes	Patterson	Vandenberg
Capper	Hayden	Phipps	Wagner
Caraway	Hebert	Pine	Walcott
Connally	Heflin	Pittman	Walsh, Mass.
Copeland	Howell	Reed	Walsh, Mont.
Couzens	Johnson	Robinson, Ark.	Warren
Cutting	Jones	Robinson, Ind.	Waterman
Dale	Kean	Sackett	Watson
Dill	Kendrick	Schall	
Edge	Keyes	Sheppard	
Fess	King	Shortridge	

The VICE PRESIDENT. Eighty-five Senators have answered to their names. A quorum is present.

Mr. SMOOT obtained the floor.

Mr. SIMMONS. Mr. President, does the junior Senator from Utah [Mr. KING] desire to go on this afternoon? I was about to ask the senior Senator from Utah if he would not move a recess now. I desire to have a conference with my associates of the minority.

Mr. SMOOT. The Senator suggests a recess for the purpose of holding a conference?

Mr. SIMMONS. Yes.

Mr. SMOOT. Mr. President, perhaps that would be the best way to proceed. I always like to comply with the request of any Senator if I can. That being the case, I will ask my colleague if there is any one item in the bill which he desires to begin to discuss?

Mr. KING. Mr. President, in response to my colleague, I will state that there is an amendment here striking out "nitric acid, one-half of 1 cent per pound," which, I understand, eliminates the duty imposed by the House. I am willing to take a vote on that and accept the amendment offered by the Finance Committee.

Mr. SMOOT. What I mean is, we have an hour and a half remaining before 6 o'clock. I understand that the Senator does not wish to proceed with his general speech at this time?

Mr. KING. I will say frankly that I should prefer not to do so.

Mr. SIMMONS. Probably I did not complete the statement. It is my desire to have a conference with my associates of the minority of the Finance Committee.

Mr. SMOOT. That being the case, Mr. President, perhaps it would hasten the consideration of the bill to take a recess at this time; and I am perfectly willing to comply with the request of the Senator.

Mr. SIMMONS. I think it would.

MISREPRESENTATION BY AMERICAN MANUFACTURERS

Mr. WALSH of Massachusetts. Mr. President, during the debate on the administrative features of the bill reference has been made from time to time to trade barriers and impediments which have been set up in foreign countries against the manufacturers and exporters of our country. I myself have joined in the complaints, and have made requests that the pending tariff bill be so drafted as to reduce to a minimum all so-called unfair trade practices. I find in the Journal of Commerce, of New York, of Saturday an article in which is set forth a protest on the part of the Government of Persia to the State Department alleging misrepresentation on the part of American manufacturers. In order that we may be perfectly fair and may show a disposition to remove any misrepresentation or barriers upon the part of our own manufacturers and exporters, I ask that the article from the Journal of Commerce be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From New York Journal of Commerce, October 19, 1929]

PERSIA PROTESTS UNITED STATES RUGS MARKINGS—USE OF ORIENTAL NAMES SCORED AS MISREPRESENTATION IN NOTE TO STIMSON

WASHINGTON, October 18.—The aid of the State Department in stamping out an alleged practice of misrepresentation by American

manufacturers and retailers in the marketing of domestic carpets and rugs under names that would give to the consumer the impression that they are of oriental make has been sought on behalf of the Persian Government by Minister Mirza Davoud Khan Meftah.

The matter was brought to the attention of Secretary of State Stimson in a diplomatic note, accompanied by seven newspaper clippings illustrative of newspaper advertising to which the Persian Government takes exception, and also a pamphlet discussing carpetings. The text of the note is as follows:

"I have the honor to draw your excellency's attention to the fact that for some time past my attention has been drawn to various advertisements in the press pertaining to certain American domestic carpet manufacturers, who are advertising their products under various and varied oriental and Persian names, which would be liable to give the average purchaser of these products a false impression that the said carpets or rugs are made in Persia.

CITE COPYING OF PRODUCT HERE

"Your excellency will no doubt agree that the great majority of people, though they may appreciate and be interested in purchasing oriental rugs, especially those of Persian origin, have no technical knowledge concerning same and when effecting their purchases, are for the most part dependent on the honesty and integrity of the dealers with whom they transact business.

"You are no doubt aware that for some time past some American carpet manufacturers have been copying the hand-made oriental and especially Persian carpets' coloring and designs in the manufacturing of their product and have been so successful in the reproduction of Persian coloring and designs in the machine-made products manufactured in their mills, that it usually takes an expert to differentiate and distinguish between the hand-made Persian rug and its machine-made copy manufactured in this country.

"It is therefore not inconceivable that carpets reproduced from oriental designs and colorings made in this country with the perfection and facility that modern science affords might in many cases be taken for real orientals, but this possibility becomes a certainty when the said carpets are advertised and sold with oriental names in such an ingenious manner as to convey to the purchaser they are real orientals.

"I therefore enclose herein certain cuttings from the press which show the methods reverted to by the manufacturers of the said articles in the introduction and sale of their goods to the consumers of the United States:

"Cutting No. 1: Your excellency will note that in cutting No. 1, which is an advertisement of the Smith-Orient rug made by W. T. Smith & Sons, of Philadelphia, Pa., the design is a facsimile of a famous Persian pattern, and the word 'oriental' in big print may be noticed in the advertisement, which might very conceivably impress the unsuspecting consumer that the said article is really an oriental.

"Cutting No. 2: You will note in cutting No. 2 the advertisement for the 'Melistan' rug made by Breslin Bros. Carpet Co., which calls its product American-Oriental, even employing the official Persian Government's crest of the lion and sun. I hardly consider it necessary to draw your excellency's attention to the undesirability of such practices and sincerely hope such steps as may be necessary for its remedy will be taken.

OBJECT TO PERSIAN NAMES

"Cutting No. 3: You will observe in cutting No. 3, which is an advertisement of Wilton rugs, made by Thomas Develon, Jr., of Philadelphia, Pa., that reference is made to 'Royal Kashan,' etc., Persian names which can hardly be justified when consideration is given to the fact that the said rugs are made in the United States.

"Cutting No. 4: I also desire to draw your excellency's attention to cutting No. 4, which is an advertisement of chenille and hand tuft rugs made in this country by a firm which calls itself the Persian Rugs Manufactory. I suggest to your excellency that the nature of the name of the said firm is itself sufficient to mislead the ordinary consumer and purchaser into thinking it really manufactures Persian rugs.

"Cutting No. 5: You will note in cutting No. 5, which is an advertisement of the 'Gulestan' rug made by Karagheusian, that the statement 'that must be an oriental' is written in big letters so as to draw particular attention. I would further point out to your excellency that the word 'Gulestan' is the name of the imperial palace in Persia and, therefore, might be reasonably supposed inappropriate for use as a name of a machine-made rug manufactured in this country.

"Cutting No. 6: You will observe in cutting No. 6 another method reverted to for propagating the 'Gulestan' rug referred to in the above paragraph. The fact that the trouble is taken to procure a camel in St. Louis to complete what is undoubtedly supposed to represent an oriental scene is in itself the best proof of the importance the manufacturers attach to this type of oriental make-believe advertisement in influencing and attracting the American purchaser to their particular commodities.

"Cutting No. 7: Your excellency will note in cutting No. 7 of the Smith Carpet Co., of New York, an advertisement for American-manufactured carpets and rugs which might be presented as an example of what an ethical advertisement of this commodity should be. Your ex-

cellency will note such names as 'Empire,' 'Seneca,' 'Waverly,' 'Brocade,' etc., which are names of American origin, given American-manufactured rugs. The lack of the oriental make-believe, so marked in the other advertisement, is particularly noticeable.

QUESTION ETHICS INVOLVED

"I also enclose a booklet containing advertisements of the different types of the 'Persiakhan' rugs, which bear such Persian names as 'Kirman,' 'Sarouk,' 'Sha Abbas,' 'Ispahan,' 'Taboriz,' 'Shirvan,' and 'Gorevan.'

"I have attempted above to point out to your excellency a few of the examples of advertisement, together with the methods reverted to by some of the domestic carpet manufacturers in the presentation of their goods to the public, and I feel convinced your excellency will agree with me that some of the methods employed are not compatible with business ethics and might be considered as unfair competition with the real oriental rug imported from Persia to this country. I not only contend that these practices are unethical, inasmuch as they are a misrepresentation of the real facts, but I am further of the opinion that they constitute an injustice to the American consuming public, who for the most part lack any precise information as regards rugs, and on purchasing same for the most part depend on the integrity and honesty of the firms with whom they transact business.

"In conclusion I have the honor to place the above facts for your excellency's consideration, trusting the appropriate action will be taken to prevent a continuation of these practices.

"Pray accept, sir, the renewed assurances of my highest consideration."

It is understood that charges had been lodged with the Persian minister and Prince M. Firouz, secretary in charge of economic affairs, by Persian rug manufacturers, importers, and dealers, and that upon presentation of the note to the Government the State Department has turned the matter over to the Federal Trade Commission and possibly to the Department of Justice. This latter could not be confirmed, although it was said in authentic circles that the Trade Commission had been requested to look into the unfair trade practices that might be involved. Prince Firouz has been seeking to safeguard the integrity of the products of his country, and the protest is lodged on the basis that not only do these things lead to the detriment of Persian industries but that the American consuming public is likely to be misguided and mistaken in purchasing American rugs in the belief that they are oriental made.

EXECUTIVE MESSAGES REFERRED

The VICE PRESIDENT. The Chair refers to the appropriate committees sundry executive messages received from the President of the United States. The treaties will be printed in confidence for the use of the Senate.

RECESS

Mr. SMOOT. I move that the Senate take a recess until tomorrow morning at 10 o'clock.

The motion was agreed to; and (at 4 o'clock and 33 minutes p. m.) the Senate took a recess until tomorrow, Tuesday, October 22, 1929, at 10 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate October 21 (legislative day of September 30), 1929

MEMBER OF THE UNITED STATES BOARD OF TAX APPEALS

Eugene Black, of Clarksville, Tex., to be a member of the United States Board of Tax Appeals for the unexpired term of six years ending June 7, 1932, in place of John B. Milliken, resigned.

UNITED STATES MARSHAL

James N. Tittmore, of Wisconsin, to be United States marshal, eastern district of Wisconsin, vice Albert Walters, appointed by court.

COAST GUARD

Capt. (Engineering) John B. Turner to be a captain (engineering) in the Coast Guard of the United States, to rank as such from May 7, 1929, in place of Capt. (Engineering) Carl M. Green, deceased.

COAST AND GEODETIC SURVEY

The following-named officers of the Coast and Geodetic Survey to the positions named:

Aides with relative rank of ensign in the Navy

Gilbert Carlton Mast, of North Carolina, vice C. A. Burmister, promoted.

Marshall Hudson Reese, of Louisiana, vice P. L. Bernstein, promoted.

Fred Anderson Riddell, of Colorado, vice J. D. Thurmond, promoted.

Junior hydrographic and geodetic engineers with relative rank of Lieutenant (junior grade) in the Navy

Clarence Amandus Burmister, of California, vice E. O. Heaton, promoted.

Percy Levy Bernstein, of Mississippi, vice R. F. A. Studds, promoted.

James Dennis Thurmond, of Georgia, vice J. A. McCormick, resigned.

HOUSE OF REPRESENTATIVES

MONDAY, October 21, 1929

The House met at 12 o'clock noon and was called to order by the Clerk, Hon. William Tyler Page, who read the following communication from the Speaker:

THE SPEAKER'S ROOMS,
UNITED STATES HOUSE OF REPRESENTATIVES,
Washington, D. C., October 21, 1929.

The CLERK OF THE HOUSE OF REPRESENTATIVES:

I hereby designate the Hon. ELLIOTT W. SPROUL as Speaker pro tempore for this day.

NICHOLAS LONGWORTH,
Speaker House of Representatives.

Mr. SPROUL of Illinois took the chair as Speaker pro tempore.

The SPEAKER pro tempore. The Chaplain will offer prayer.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Heavenly Father of us all, we believe that they who wait and aspire, Thou wilt hear. We now wait. Do Thou open our spiritual eyes. Give us free minds and warm hearts to love and serve Thee. In strength, hope, and joy, in the power and pride of life send us forth among our fellow men. No life could be more inspiring or fraught with greater meaning. Teach us that he who lives for self denies his Lord. In every situation direct us to do the truth and come to the light, and each day may we speak the brave word, do the brave deed, and live the brave life. Do Thou let the voices of "just things" die in hushed silence at the doorways of our lives. Through Christ our Saviour. Amen.

The Journal of the proceedings of Thursday, October 17, 1929, was read and approved.

ADJOURNMENT

Mr. HAWLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 3 minutes p. m.) the House, under House Resolution 59, adjourned until Thursday, October 24, 1929, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

67. A letter from the Acting Secretary of Commerce, transmitting a list of purchases made by private contract or in the open market, with the reasons for such methods of purchases, during the fiscal year 1929 of materials and supplies for the use of the Lighthouse Service; to the Committee on Expenditures in the Executive Departments.

68. A letter from the Comptroller General of the United States, transmitting report and recommendation to the Congress concerning the claim of the Public Service Coordinated Transport, successor by consolidation to the Public Service Railway Co., of Newark, N. J., against the United States; to the Committee on War Claims and ordered to be printed.

69. A letter from the Acting Secretary of the Navy, transmitting draft of a proposed bill to provide for the removal of civil or criminal prosecutions from a State court to the United States district court in certain cases; to the Committee on the Judiciary.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GREEN: A bill (H. R. 4707) to require the Secretary of War to cause to be made a detailed engineering survey for a barge canal and ship canal from Cumberland Sound to or near the mouth of the Mississippi River, and to make full and complete report to Congress of the most feasible route and cost of construction; to the Committee on Rivers and Harbors.

By Mr. COCHRAN of Missouri: A bill (H. R. 4708) to provide additional hospital facilities for disabled war veterans at

Jefferson Barracks, Mo.; to the Committee on World War Veterans' Legislation.

By Mr. ELLIOTT: A bill (H. R. 4709) authorizing the transfer of certain lands near Vallejo, Calif., from the United States Housing Corporation to the Navy Department for naval purposes; to the Committee on Public Buildings and Grounds.

By Mr. SIMMONS: A bill (H. R. 4710) in respect of postage on semiweekly newspapers; to the Committee on the Post Office and Post Roads.

By Mr. TIMBERLAKE: A bill (H. R. 4711) to provide for the enlargement and further development of the Akron United States agricultural substation, located near Akron, Washington County, Colo., by authorizing the purchase of certain lands adjacent thereto, the erection of certain improvements thereon, and the equipment thereof with dairy cattle and other livestock; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BACHMANN: A bill (H. R. 4712) granting an increase of pension to Elizabeth Mathews; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4713) granting an increase of pension to Barbara A. Adams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4714) granting an increase of pension to Rachel J. Shoemaker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4715) granting an increase of pension to Harriet J. Yost; to the Committee on Invalid Pensions.

By Mr. BUCKBEE: A bill (H. R. 4716) granting an increase of pension to Mina B. York; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4717) granting an increase of pension to Emma Snyder; to the Committee on Invalid Pensions.

By Mr. DOUTRICH: A bill (H. R. 4718) granting a pension to Mary J. Eckard; to the Committee on Invalid Pensions.

By Mr. DUNBAR: A bill (H. R. 4719) granting a pension to Fannie Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4720) granting a pension to Mary E. Chess; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4721) granting an increase of pension to Eliza Eberts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4722) granting a pension to Nathaniel S. Conrad; to the Committee on Pensions.

Also, a bill (H. R. 4723) granting a pension to Green Jackson; to the Committee on Pensions.

Also, a bill (H. R. 4724) granting a pension to Joyce Jordan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4725) granting an increase of pension to James A. Haley; to the Committee on Pensions.

Also, a bill (H. R. 4726) granting a pension to Ella Logan Bullett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4727) granting a pension to Mary Jane Phillips; to the Committee on Invalid Pensions.

By Mr. EATON of New Jersey: A bill (H. R. 4728) granting an increase of pension to Naomi A. Ellis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4729) granting an increase of pension to Julia C. Drake; to the Committee on Invalid Pensions.

By Mr. ELLIOTT: A bill (H. R. 4730) granting a pension to Celia Anderson; to the Committee on Invalid Pensions.

By Mr. FITZGERALD: A bill (H. R. 4731) for the relief of Frederick Rasmussen; to the Committee on Naval Affairs.

By Mr. GREENWOOD: A bill (H. R. 4732) granting an increase of pension to John T. Knotts; to the Committee on Pensions.

By Mr. HOFFMAN: A bill (H. R. 4733) authorizing the examination and survey of Raritan Bay, N. J.; to the Committee on Rivers and Harbors.

By Mr. HOGG: A bill (H. R. 4734) granting an increase of pension to Frances L. Eggleston; to the Committee on Invalid Pensions.

By Mr. HOPKINS: A bill (H. R. 4735) granting a pension to John W. Stephenson; to the Committee on Pensions.

Also, a bill (H. R. 4736) granting a pension to Laura E. Housel; to the Committee on Invalid Pensions.

By Mr. JENKINS: A bill (H. R. 4737) granting a pension to Elbert Daniel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4738) granting a pension to Nick Webb; to the Committee on Pensions.

By Mr. McREYNOLDS: A bill (H. R. 4739) granting a pension to Edward J. Carr; to the Committee on Pensions.

By Mr. PALMER: A bill (H. R. 4740) granting a pension to Annette Frerking; to the Committee on Invalid Pensions.

By Mr. ROMJUE: A bill (H. R. 4741) granting a pension to Isaac M. Crow; to the Committee on Invalid Pensions.

By Mr. SHORT of Missouri: A bill (H. R. 4742) granting an increase of pension to Lucretia Gibson; to the Committee on Invalid Pensions.

By Mr. SIMMONS: A bill (H. R. 4743) for the relief of George W. McAnulty; to the Committee on Claims.

By Mr. SWICK: A bill (H. R. 4744) granting an increase of pension to Hannah S. Evans; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4745) granting an increase of pension to Harriet T. Fry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4746) granting an increase of pension to Sarah E. Cubbison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4747) granting an increase of pension to Drusilla Hanna McIntyre; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4748) granting an increase of pension to Jane Cox; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4749) granting an increase of pension to Amanda Grayson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4750) granting a pension to Edith Patton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4751) granting an increase of pension to Matilda Beighley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4752) granting an increase of pension to Frances E. Book; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4753) granting an increase of pension to Elizabeth Chatham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4754) granting an increase of pension to Nancy Gibson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4755) granting an increase of pension to Margret Winkler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4756) granting an increase of pension to Susan Wilson McCracken; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4757) granting an increase of pension to Nancy E. Palmer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4758) granting an increase of pension to Elizabeth Wimer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4759) granting an increase of pension to Priscilla Wise; to the Committee on Invalid Pensions.

By Mr. THATCHER: A bill (H. R. 4760) for the relief of Guy Braddock Scott; to the Committee on Naval Affairs.

By Mr. THOMPSON: A bill (H. R. 4761) granting an increase of pension to Catherine Sells; to the Committee on Invalid Pensions.

By Mr. TIMBERLAKE: A bill (H. R. 4762) granting a pension to Neil Douglas Bromley; to the Committee on Pensions.

Also, a bill (H. R. 4763) for the relief of Russell H. Lindsay; to the Committee on Naval Affairs.

Also, a bill (H. R. 4764) granting a pension to Matilda Swartout; to the Committee on Pensions.

Also, a bill (H. R. 4765) granting a pension to Ollie E. Montgomery; to the Committee on Invalid Pensions.

By Mr. TURPIN: A bill (H. R. 4766) granting a pension to William Thomas; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

754. By Mr. BOHN: Petition of delegates from the 11 Western States, assembled in a fire-prevention and range-improvement conference at San Francisco, Calif., this 24th day of June, 1929; to the Committee on Interstate and Foreign Commerce.

755. By Mr. HADLEY: Petition of residents of Everett, Wash., urging increases of pensions for Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

756. By Mr. HOGG: Petition of the directors of the Noble County Farm Bureau, representing 527 farmers in Noble County, Ind., opposing any increase in tariff on any commodity other than agricultural products; to the Committee on Ways and Means.

SENATE

TUESDAY, October 22, 1929

(Legislative day of Monday, September 30, 1929)

The Senate met at 10 o'clock a. m., on the expiration of the recess.

Mr. FESS. Mr. President, I make the point of no quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Fletcher	Jones	Schall
Ashurst	Frazier	Kean	Sheppard
Barkley	George	Kendrick	Shortridge
Bingham	Gillett	Keyes	Simmons
Black	Glenn	King	Smoot
Blease	Goff	La Follette	Steiner
Borah	Goldsbrough	McKellar	Stephens
Bratton	Greene	McMaster	Swanson
Brock	Hale	McNary	Thomas, Idaho
Brookhart	Harris	Moses	Thomas, Okla.
Broussard	Harrison	Norbeck	Trammell
Capper	Hastings	Norris	Tydings
Connally	Hatfield	Nye	Vandenberg
Copeland	Hawes	Oddie	Wagner
Couzens	Hayden	Overman	Walcott
Cutting	Hebert	Patterson	Walsh, Mass.
Dill	Heflin	Pine	Warren
Edge	Howell	Reed	Waterman
Fess	Johnson	Robinson, Ark.	Watson

Mr. FESS. The junior Senator from Ohio [Mr. BURTON] is still detained from the Senate on account of illness. I ask that this announcement may stand for the day.

Mr. NORRIS. I wish to announce that the Senator from Arkansas [Mr. CARAWAY], the Senator from Indiana [Mr. ROBINSON], the Senator from Montana [Mr. WASLH], and the Senator from Wisconsin [Mr. BLAINE] are absent on business of the Senate.

Mr. SCHALL. My colleague [Mr. SHIPSTEAD] is absent, ill. I will let this announcement stand for the day.

The VICE PRESIDENT. Seventy-six Senators have answered to their names. A quorum is present.

SPEECH OF SPEAKER MANUEL ROXAS, OF THE PHILIPPINES

The VICE PRESIDENT laid before the Senate a resolution unanimously adopted by the Municipal Council of Panay, Capiz, P. I., indorsing the speech delivered by Speaker Manuel Roxas, of the Philippine Legislature, before the Finance Committee relative to proposed independence for the Philippine Islands, which was referred to the Committee on Territories and Insular Affairs.

PUBLIC SERVICE COORDINATED TRANSPORT

The VICE PRESIDENT laid before the Senate a communication from the Comptroller General of the United States, transmitting, pursuant to law, his report and recommendation concerning the claim of the Public Service Coordinated Transport, successor by consolidation to the Public Service Railway Co., of Newark, N. J., against the United States, which, with the accompanying paper, was referred to the Committee on Claims.

REPORT OF POSTAL NOMINATION

Mr. GEORGE (for Mr. PHIPPS), from the Committee on Post Offices and Post Roads, reported the nomination of Henrietta E. Butt to be postmaster at Buena Vista, Ga., which was ordered to be placed on the Executive Calendar.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FESS (for Mr. BURTON):

A bill (S. 1912) granting a pension to Henry Meyers (with accompanying papers); to the Committee on Pensions.

By Mr. BLEASE:

A bill (S. 1913) to make illegal opium and narcotics contraband; and

A bill (S. 1914) defining and punishing vagrancy in the District of Columbia; to the Committee on the Judiciary.

By Mr. NORRIS:

A bill (S. 1915) to amend section 649 of the Revised Statutes, as amended;

A bill (S. 1916) to amend section 1025 of the Revised Statutes of the United States; and

A bill (S. 1917) to amend an act entitled "An act to make persons charged with crimes and offenses competent witnesses in United States and Territorial courts," approved March 16, 1878, with respect to the competency of husband and wife to testify for or against each other; to the Committee on the Judiciary.

By Mr. SHORTRIDGE:

A bill (S. 1918) for the relief of Irene Strauss; to the Committee on Claims.

A bill (S. 1919) granting a pension to William Hecker; to the Committee on Pensions.

By Mr. ROBINSON of Indiana:

A bill (S. 1920) granting a pension to Isabel Shepard (with accompanying papers);

A bill (S. 1921) granting an increase of pension to Nancy J. Buck (with accompanying papers); and

A bill (S. 1922) granting an increase of pension to Malinda J. Pope (with accompanying papers); to the Committee on Pensions.